

U.S.D. Ct. Boston, Ma.

Attach this to my pending  
petitions and complaints  
Judge Same With The Rest.

DATE: June 21, 2005

REPLY TO

ATTN OF: Henry J. Sadowski, Regional Counsel

SUBJECT: Administrative Tort Claim No. TRT-NER-2005-00437

TO: Joseph Marion Head, Reg. No. 17549-056  
FMC Devens

Your request for reconsideration of Administrative Tort Claim No. TRT-NER-2005-00437, was properly received by this agency on June 16, 2005. It has been considered for settlement as provided by the Federal Tort Claims Act (FTCA), 28 U.S.C. § 2672, under authority delegated to me by 28 C.F.R. § 543.30. You seek compensatory damages in the amount of "one zillion" dollars for an alleged personal injury. Specifically, you claim staff at the Federal Medical Center (FMC), Devens, Massachusetts, participated in a court hearing to force medicate you. You do not specifically describe the type of injury you incurred as a result of this hearing or the forced medication.

After careful reconsideration, I have decided not to offer a settlement. You provide no new information which would warrant further settlement consideration. Therefore, your request for reconsideration is being denied.

If you are dissatisfied with this decision, you may bring an action against the United States in an appropriate United States District Court within six (6) months of the date of this memorandum.

cc: David L. Winn, Warden, FMC Devens

Objection to the above is hereby entered July 11, 2005

As to the type of injury, if the Regional Counsel didn't know, why not? Is he that incompetent, to not know? as to describing the injury, Deprivation of Liberty Without due process and equal protection of law (see prison and court records and all asserted therein relating to Head.

Further Violations of Rights to Refuse Medication and the Medication Is and Was Forced, Violative of my rights.

See all prison and court records relating to Head.

See all my other Tort claims also.

Joseph Marion Head January 17549-056 (7-11-05)

# Memorandum

Northeast Regional Office, Philadelphia, PA  
FEDERAL BUREAU OF PRISONS

Apparent Head Counsel Havelo.

Why didn't  
He Review the  
Prison and  
Court Records?

Joseph Marvin News Service  
Reg. No. 17549-05-6

A-5 22524

Med. Med. Center Denver

Post office Box 879

Hyden Massachusetts 01432

To: (Each) Federal Judge For The

Legal Mail

Post marked

7-11-05

United States District Court

John Joseph Morabito U.S. Courthouse

1 Courthouse Way Suite 2300

Boston - Massachusetts 02210

**RESPONSE TO INMATE REQUEST TO STAFF MEMBER**

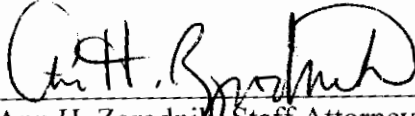
**Head, Joseph Marion**  
**Reg. No. 17549-056**  
**N-5 Unit**

This is in response to your Inmate Request to Staff, dated June 17, 2005, wherein you seem to be seeking my assistance regarding your criminal conviction.

As I have stated in numerous previous requests, I am an attorney for the Bureau of Prisons, I do not serve as counsel for inmates. I am not permitted by the Department of Justice or by ethical rules to assist you in your legal matters. If you have specific questions pertaining to your Court case, please contact your attorney or the Court.

With regard to your various requests regarding your criminal convictions and issues surrounding details of your charges. If you wish to challenge your criminal conviction or any of these listed grounds, you must do so through a Habeas Corpus petition filed with your sentencing court pursuant to Title 28 U.S.C. § 2255. The Bureau of Prisons does not have the authority or jurisdiction to address any of these claims.

I trust this information is responsive to your request.

  
\_\_\_\_\_  
Ann H. Zgrodzinski, Staff Attorney

7-5-05  
Date

BP-S148.055 INMATE REQUEST TO STAFF CDFRM

SEP 98

U.S. DEPARTMENT OF JUSTICE

*Lazodnik - Staff Attorney*  
*U.S. Attorney*  
*M. J. Sullivan*

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) <i>Dept Warden - Rape - Sex Offender</i>	DATE: <i>6-17-05</i>
FROM: <i>Joseph Marion Head Jr.</i>	REGISTER NO.: <i>17549-056</i>
WORK ASSIGNMENT: <i>Ed. ORD</i>	UNIT: <i>N-5 Cell 524</i>

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

*Re: State N.C. (V) Head - 74CR2403 - 74CR2403A*  
*Misprison of Felony - Mens Rea - Failing To Prevent*  
*a Rape, Etc. As Applies To The States Eye*  
*Witness Cooper, Constitutes a Capital offense.*  
*Why was Cooper never charged etc.?*

*Why Was Cooper Not charged, Tried and*  
*Sentenced To Death?*

*Failing To Defend Female From Be Raped?*  
*What could have been done to prevent*  
*the sex? When could have it be done,*  
*conspiracy To Have Sex With Consenting Girl.*

(Do not write below this line)

DISPOSITION:

Signature Staff Member

Date

Don't mention head of union

1549-056

N-5 all 524

M. C. Doreen

Post office Box 879

Hyden - Ma. 01432

To: (Each) United States Federal Judge for the

United States District Court

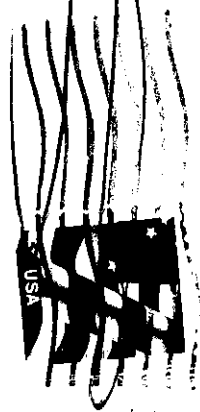
John Joseph Mackel, U.S. Courthouse

1 Courthouse Way Suite 2300

Boston Mass 02108-5001

Legal Mail  
Post Mail  
7-11-05

USMS  
SCREENED





## IN THE UNITED STATES DISTRICT COURT

FOR THE Ma. DISTRICT OF Ma.Boston DivisionJoseph Marion Head Jr.

Plaintiff,

Reg. No. 17549-056,

vs

Case No. \_\_\_\_\_

United States of AmericaAndNorth Carolina

Defendants.

## COMPLAINT

This is a civil rights act suit for damages for unlawful conviction and sentence.

## JURISDICTION

The court has legal jurisdiction herein pursuant to the provisions of law and Constitution which applies hereto, to include 42 U.S.C. §§ 1981, 1983, 1984, 1985(3) and 1986; 28 U.S.C. §§ 1331, 1341, 1342, 1343, 2201 and 2202; and the Federal Rules of Civil Procedure Rule 57.

## PLAINTIFF

Plaintiff herein is Joseph Marion Head Jr. Reg. No. 17549-056 who is a Federal prisoner housed in the N.5 Cell 524 Fed. Med. Center Devens located at 42 Patton Road - P.O. Box 879 - Ames - Ma. 01432.

Plaintiff is in the custody of the Warden of the aforesaid institution, who is David L. Winsor Warden. Also, in the custody of the United States Attorney General.

DEFENDANTS

Defendants herein are as related below;

- (1) United States of America, Title United States of America  
Address U.S. Att. Gen. - U.S. Dept. of  
Justice - Washington - D.C. 20543
- (2) State of North Carolina, Title State of North Carolina  
Address N.C. Att. Gen. - N.C. Dept. Justice  
- Raleigh - North Carolina 27602

Plaintiff herein is proceeding pro se, without the legal assistance of a person trained in law and Plaintiff is a layman at law and has had no professional training in law and Plaintiff therefore respectfully moves the court for a liberal construction on and as to, all pleadings, claims, et c., herein and relating hereto.

That it is well settled that pro se litigants generally are entitled to a liberal construction of their pleadings, which should be read to raise the strongest argument they suggest. See: Green v. United States, 260 F 3d 78, 83 (2nd Cir. 2001), Haines v. Kerner, 404 U.S. 519, 520 - 21 (1972 per curiam).

Plaintiff's rights to counsel, legal assistance, et c., 18 U.S.C. § 3006(a) and et seq. thereof, U.S. Constitution Amendments Six and Fourteen. Plaintiff states that he does not waive this right to counsel, et c..

That the United States Court of Appeals for the Fourth Circuit prior, adjudged, that indigent laymen, (proceeding pro se) are not required to prove their asserted claims in advance of a full in court evidentry hearing.

The background of Plaintiff and his State and Federal Court cases and all related and asserted therein and relating thereto, is related within the prison and court records of and relating to Plaintiff, prior and present. Plaintiff does not himself have a copy of said records, therefore, cannot state the background herein and therefore refers the Court to said records as for the background of same and all related and asserted and demanded therein and relating thereto to include all opinions, judgements and orders of the courts, et c., thereto.

GROUNDS ASSERTED HEREIN BY PLAINTIFF  
PRO SE WITHOUT LEGAL ASSISTANCE OF A  
PERSON PROFESSIONALLY TRAINED IN LAW

GROUND 1:

The convictions obtained in case no. 74CR2403, was obtained in violation of the laws or Constitution of the United States or of the State of N.C. in the in the ways related herein below and for the reasons stated herein below:

1. Plaintiff did not legally consent to the mistrial nor to the discharge of the chosen jury. Retrial of the Mistrial was therefore Double jeopardy.
2. Judge Bailey failed to inform Plaintiff of the Disadvantages and Dangers of self representation, the waiver of right to counsel is therefore illegal etc.
3. Deprivation of Liberty Without due process and equal protection of law. See all prison and court records of and relating to Plaintiff.



## GROUND 2:

The federal sentences of Plaintiff are illegal in that they were enhanced based on an unlawful conviction not legally proven to be legal, valid, final, prior to using same to enhance Plaintiff's federal sentence and or to obtain an upward departure and a greater sentence based upon said unlawful prior convictions. See: Title 21 U.S.C. § 851. 851(e) and notes.

GROUND 3: The Federal Sentences Illegal Because They exceed three years stated in 21 U.S.C. 851(a-2) and the information was not legally filed prior to trial.

GROUND 4: The Federal Sentences Are illegal Because They are Not Based on a legal and valid conviction and indictment

GROUND 5: The information filed was illegal because of the sentences imposed exceed 3 year increase and it was not timely filed before the trial

## RELIEF DEMANDED BY PLAINTIFF PRO SE

1. Leave to proceed In Forma Pauperis,
2. Appointment of counsel hereto
3. In court evidentiary hearing with the Plaintiff present

for same.

4. Subpoena's issued to the below persons:

All State and Federal Court Records and

1. Name: \_\_\_\_\_, Address: \_\_\_\_\_

Employee's Relating To Plaintiffs Court Cases.

all Governmental witnesses to Plaintiffs

2. Name: \_\_\_\_\_, Address: \_\_\_\_\_

State and Federal Court Cases.

*All Defense Attorneys Relating To*

3. Name: \_\_\_\_\_, Address: \_\_\_\_\_

*Plaintiffs State and Federal Court Cases*

5. Grant and Order to Plaintiff, the maximum relief and money, authorized by law, Constitution, relating hereto.

Signed *Joseph Marion Head Jr.* Reg. No. *17549-056*

Address: *N-5 Cell 524 Z.M.C. Dever*

*42 Patton Road - P.O. Box 879 - Ayer*  
*- Massachusetts 01432*

CERTIFICATION OF SERVICE

I, *Joseph Marion Head Jr.*, Reg. No. *17549-056*, state that on the 9 day of 7, 2005, I sent to the Court:

*U.S.D.Ct.* located at *Boston*  
*Massachusetts 02210*

the original and (0) copies of the foregoing complaint and

I also sent a copy of said complaint to the Attorney General of the United States, at: *(not sent) copies out of order*

*court will have to make and serve*  
and to, *all copies and one to plaintiff.*

Signed *Joseph Marion Head Jr.* Reg. No. *17549-056*

on this the 9 day of 7, 2005.

*As to the indigence of plaintiff see all of this court's prior records of plaintiff and see the records of all other courts and prisons in the past 31 years. Have each provide this court the information as to plaintiff's indigence and trust funds balance.*

*Joseph Marion Head Junior 17549056 (7-9-05)*

In The United States District Court  
 For The Ma. District of Ma.  
Boston Division

Joseph Marion Head Junior	Case Number 4-98-CR-102
Reg. No. 17549-056	Fed. - North Carolina
VS	Reference To Case No.
United States of America And	North Carolina
State of - North Carolina	Rutherford and
State of -	Henderson Counties
Defendants, Repondent Or	
Appeller	

Motion For A Free Copy Of All Material  
 , Statements, Etc., In The Possession Of The  
 The United States Government And Its Staff,  
 And The Government And Its Staff Of The  
 State Of North Carolina, Relating To Morant Herein  
Jurisdiction, The Laws And Constitution Of The  
 United States And The State Of North Carolina  
 , To Exclude The Jencks Act, 18 U.S.C. 3500  
 And Each And All Laws, Cases Etc On Disclosure  
 And The Freedom Of Information And  
 Privacy Act, As Applies Hereto.

Now Comes Joseph Marion Head Junior Reg. No.  
17549-056 who is the N/A See Ct. Rec.  
 in the cases of, case no. See Ct. Rec.



Motion Page, (2)

United States of America (vs) Joseph Marion Head Jr.  
Defendant.

Case no.

United States America (vs) Joseph Marion Head Junior  
Respondent,

Case no. 73CR5057

State of North Carolina (vs) Joseph Marion Head Jr.  
Defendant

Case no. 74CR2403 and 74CR2403A

State of North Carolina (vs) Joseph Marion Head Jr.  
Defendant

Case no. As Related of Court Records

State of North Carolina (vs) Joseph Marion Head Jr.  
Defendant

Joseph Marion Head Jr. Plaintiff  
vs

As Related of Court Records in the Courts  
of, United States of America And in  
the Courts of the State of North Carolina

A True Copy of All Known Records, Etc.  
Relating to the Aforesaid Plaintiff  
and Defendant And the Cases Aforesaid  
is Also Requested and Moved for Herein.

Movant herein is presently housed in



Motion Page(3)

the N-5 Cell 524 F.M.C. Devens  
 Located at, 42 Patton Road - Post Office Box 879  
 Ayer - Massachusetts - 01432  
 And the Warden thereof is, David L. Winn  
 Movant is in the custody of the aforesaid  
 Warden and the, U.S. Attorney General  
 Address, U.S. Dept. Justice - Washington  
 D.C. 20543

### Background of Movant And Movants Court Cases

The Court is referred to all known  
 Prison And Court Records Relating  
 To Movant And The Court Cases of  
 Movant And All Records Relating Thereto,  
 As of Same Was Stated And Related Herein  
 In Proper Order And Form of Same.

Movants Needs For The Records Etc.  
 (1)

As a personal and privit record of same.  
 (2)

For Lawful Court Related Legal Matters,  
 To Include As Relates To Effective Self  
 Representation, Etc. Relating To Movants  
 Court Cases And Personal Legal Matters,  
 (3)

*Motion Page (4)*

(4)

(5)

(6)

(7)

(8)

## Motion Page(5)

Movant refers the court to all the aforaid records and the contents thereof and to the records herewith, as to the indigence of movant at the present time and date.

Wherefore movant respectfully moves the court to Grant this motion in forma pauperis and order that movant be provided a copy of all the records etc. at no cost to movant for same. Further that movant be provide a Court Docket Report of all Filing Etc. Relating To Movant And His Court Cases And Etc. Records of Other Government Employees, Etc.,

Respectfully Presented On This The  
2 Day of July 2005.  
 Signed, Joseph Marion Head Junior 17549-056  
 Certificate of Service

Date Mailed To Court, 7-2-05

Joseph Marion Head Junior Aforaid  
 7-2-05

Vereen v United States 587 A.2d 456, 458 (D.C. 1991)  
 Constitutional Error - Ineffective Counsel.  
 Smith v United States 414 A.2d 1198, 1199 (D.C. 1980)  
 Prior To Each Stage of The Criminal Processes  
 Failure To Conduct  
 Proceedings, To Determine The  
 Competence Of Witnesses  
 Of The Governments Etc..

The States witnesses was incompetent  
 to truthfully speak what the defendants  
 mental state was at the time the  
 acts was done by the defendant accord  
 ing to said witnesses testimony and  
 statement to the police.

The degree of Cooper's drunkenness was  
 not proven in court to be not so much  
 he could say whether or not the  
 defendant was in control of himself  
 and his thoughts at the time the defend  
 ant allegedly did the acts complained of.  
 Cooper was not a competent witness,  
 nor was Griffen, nor an impartial  
 witness. See Griffens statements to  
 police, doctors and others. Perjury intent.



## FOR THE

DISTRICT OF

Boston Division

Plaintiff,

VS

Case No. \_\_\_\_\_

Ans

State of North Carolina

Defendants.

Plaintiff herein is Joseph Marion Head & Co. Reg. No.

17549-056 who is a Federal prisoner housed in the N-5-Cell 524

Federal Medical Center Denver located at

F.O. Box 879 - Ayer - Massachusetts - 01432.

Plaintiff is in the custody of the Warden of the aforesaid institution, who is David L. Wenn, Warden. Also, in the custody of the United States Attorney General.

## DEFENDANTS

Defendants herein are as related below;

- (1) United States of America , Title United States of America  
Address U.S. Attorney General, U.S. Dept. of Justice  
, Washington - D.C. 20543
- (2) State of North Carolina , Title State of North Carolina,  
Address N.C. Attorney General, N.C. Department of  
Justice, Raleigh, North Carolina - 27602

Plaintiff herein is proceeding pro se, without the legal assistance of a person trained in law and Plaintiff is a layman at law and has had no professional training in law and Plaintiff therefore respectfully moves the court for a liberal construction on and as to, all pleadings, claims, et c., herein and relating hereto.

That it is well settled that pro se litigants generally are entitled to a liberal construction of their pleadings, which should be read to raise the strongest argument they suggest. See: Green v. United States, 260 F 3d 78, 83 (2nd Cir. 2001), Haines v. Kerner, 404 U.S. 519, 520 - 21 (1972 per curiam).

Plaintiff's rights to counsel, legal assistance, et c., 18 U.S.C. § 3006(a) and et seq. thereof, U.S. Constitution Amendments Six and Fourteen. Plaintiff states that he does not waive this right to counsel, et c..

That the United States Court of Appeals for the Fourth Circuit prior, adjudged, that indigent laymen, (proceeding pro se) are not required to prove their asserted claims in advance of a full in court evidentry hearing.

The background of Plaintiff and his State and Federal Court cases and all related and asserted therein and relating thereto, is related within the prison and court records of and relating to Plaintiff, prior and present. Plaintiff does not himself have a copy of said records, therefore, cannot state the background herein and therefore refers the Court to said records as for the background of same and all related and asserted and demanded therein and relating thereto to include all opinions, judgements and orders of the courts, et c., thereto.

GROUND S ASSERTED HEREIN BY PLAINTIFF

PRO SE WITHOUT LEGAL ASSISTANCE OF A

PERSON PROFESSIONALLY TRAINED IN LAW

GROUND 1:

The convictions obtained in case no. 740R2403, was obtained in violation of the laws or Constitution of the United States or of the State of N. C. in the in the ways related herein below and for the reasons stated herein below:

1. Violations of Rights Against Double Jeopardy And Subject To Double Jeopardy, See All State And Federal Prison And Court Records.
2. Failure To Reprosecute The Mistrial Within The Time Required By Law, 18 U.S.C. 3161(e), Strunk v United States Supra 1973, Rule 48(b) Fed. R. Crim. Proc..
3. Violations of The Sixth Amendment Right To A Speedy Trial By An Impartial Jury And Judge. See All State, Federal, Prison and Court, Records.

## GROUND 2:

The federal sentences of Plaintiff are illegal in that they were enhanced based on an unlawful conviction not legally proven to be legal, valid, final, prior to using same to enhance Plaintiff's federal sentence and or to obtain an upward departure and a greater sentence based upon said unlawful prior convictions. See: Title 21 U.S.C. § 851. - 851(e).

GROUND 3: North Carolina Denied And Deprived Plaintiff of His Liberty Without Due Process and Or Equal Protection of Law And Constitution And As Applies To, 4-98-CR-102.

GROUND 4: Each And All Prior Asserted Relating To Each of Plaintiff's Criminal Cases, State And Federal And All Civil Complaints Relating To Each Said Cases of Plaintiff.

GROUND 5: Plaintiff Rights To Access To The Courts Was Violated By The State N.C. And By U.S.A and By Fed. B.O.P. and N.C. Dept. Corr. - See All Court Records of Plaintiff.

## RELIEF DEMANDED BY PLAINTIFF PRO SE

1. Leave to proceed In Forma Pauperis or Timely Payments,
2. Appointment of counsel hereto 18 U.S.C. 3006 A, or Timely Payments,
3. In court evidentiary hearing with the Plaintiff present for same.

4. Subpoena's issued to the below persons:  
Each Government Employee Relating To Plaintiff's

1. Name: \_\_\_\_\_, Address: \_\_\_\_\_

Criminal and Civil Cases and Prison Records.

Each Government Witness relating to Plaintiff's

2. Name: \_\_\_\_\_, Address: \_\_\_\_\_

Prison and Court Records and Court Cases



Each of Plaintiffs Prior Defense Counsel,  
3. Name: \_\_\_\_\_, Address: \_\_\_\_\_

State and Federal - Criminal and Civil,

5. Grant and Order to Plaintiff, the maximum relief and money, authorized by law, Constitution, relating hereto.

Signed Joseph Marion Head Jr. Reg. No. 17549-056

Address: N-5-Cell-524-Z.M.C. Devens,  
42 Patton Road - Post Office Box 879 -  
Ayer - Massachusetts - 01432

CERTIFICATION OF SERVICE

I, Joseph Marion Head Jr. Reg. No. 17549-056 state that  
on the 6 day of July, 2005, I sent to the Court:

U.S.D.Ct. - Boston Division located at Boston  
Massachusetts - Zip Code 02210.

the original and (0) copies of the foregoing complaint and

I also sent a copy of said complaint to the Attorney General of  
the United States, at: Not Sent (Copies Out of Order) The

Court will have to make and serve all copies of  
and to, this complaint and send plaintiff  
a filed copy of same also.

Signed Joseph Marion Head Jr. Reg. No. 17549-056

on this the 6 day of July, 2005.

The Court is to make finding of plaintiffs indigence  
and trust fund blance for the past 31 years, To  
determine whether or not plaintiff is entitled to proceed  
in forma pauperis or not or in small timely payments.

Signed, Joseph Marion Head Junior 17549-056

7-6-05

*To Each U.S. D. Ct. Fed. Judge For Boston Ma.*

## IN FORMA PAUPERIS DECLARATION

*U.S.D.Ct. Boston Ma. Division*

[Insert appropriate court]

*Joseph Marion Head Junior*  
(Petitioner)

*Be Petition v. Herewith*

(Respondent(s))

DECLARATION IN SUPPORT  
OF REQUEST  
TO PROCEED  
IN FORMA PAUPERIS

I, Head, declare that I am the petitioner in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty, I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to relief.

1. Are you presently employed? Yes ☒ No ☐
- a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer  
*L. Mc. Rivers, Ed. Dept., Less than \$20 per Month*
- b. If the answer is "no," state the date of last employment and the amount of the salary and wages per month which you received.

2. Have you received within the past twelve months any money from any of the following sources?

- |   |   |  |
|---|---|--|
| a. Business, profession or form of self-employment? | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
| b. Rent payments, interest or dividends?            | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
| c. Pensions, annuities or life insurance payments?  | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
| d. Gifts or inheritances?                           | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |
| e. Any other sources?                               | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months.

*Job Abouaidana V.A. Benefits and Gifts From a Brother*

3. Do you own cash, or do you have money in checking or savings account? Yes ☒ No ☐ (Include any funds in prison accounts.)

If the answer is "yes," state the total value of the items owned. *N/A*

*See Prison Records*

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?

Yes ☐ No ☒ *Ct. Denied all Prior Relief. Why?*

If the answer is "yes," describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support. *None*

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on \_\_\_\_\_ (date). *1 July 2005*

*Joseph Marion Head Junior*  
Signature of Petitioner  
*17549-056*

## Certificate

I hereby certify that the movant herein has the sum of \$ 10.00 on account to his credit at the FMC Denver institution where he is confined.

I further certify that petitioner likewise has the following securities to his credit according to the records of said First Devere institution: 0. Power Co. bts

Authorized Officer of Institution

(Amended, effective August 1, 1982; effective ~~December 1, 2004.~~)

See attached 2 page statement

**Inmate Inquiry**

Inmate Reg #:	17549056	Current Institution:	Devens FMC
Inmate Name:	HEAD, JOSEPH	Housing Unit:	N SOMIP
Report Date:	07-01-2005	Living Quarters:	N05-524L
Report Time:	2:59:55 PM		

[General Information](#) | 
 [Account Balances](#) | 
 [Commissary History](#) | 
 [Commissary Restrictions](#) | 
 [Comments](#)

**General Information**

Administrative Hold Indicator: No  
 No Power of Attorney: No  
 Never Waive NSF Fee: No  
 Max Allowed Deduction %: 100  
 PIN: 5438  
 FRP Participation Status: ExemptTmp  
 Arrived From:  
 Transferred To:  
 Account Creation Date: 2/15/2002  
 Local Account Activation Date: 7/1/1991  
 Sort Codes:  
 Last Account Update: 7/1/2005 2:07:46 AM  
 Account Status: Active  
 ITS Balance: \$0.00

**FRP Plan Information**

FRP Plan Type	Expected Amount	Expected Rate
---------------	-----------------	---------------

**Account Balances**

Account Balance: \$10.00  
 Pre-Release Balance: \$0.00  
 Debt Encumbrance: \$0.00  
 SPO Encumbrance: \$0.00  
 Other Encumbrances: \$0.00  
 Outstanding Negotiable Instruments: \$0.00  
 Administrative Hold Balance: \$0.00  
 Available Balance: \$10.00  
 National 6 Months Deposits: \$824.70  
 National 6 Months Withdrawals: \$820.35  
 National 6 Months Avg Daily Balance: \$60.34  
 Local Max. Balance - Prev. 30 Days: \$45.53  
 Average Balance - Prev. 30 Days: \$22.16

*John A. C. [Signature]*  
 Page 1 of 2



## Commissary History

### Purchases

Validation Period Purchases: \$0.00  
 YTD Purchases: \$509.42  
 Last Sales Date: 6/16/2005 11:52:40 AM

### SPO Information

SPO's this Month: 0  
 SPO \$ this Quarter: \$0.00

### Spending Limit Info

Spending Limit Override: No  
 Weekly Revalidation: No  
 Spending Limit: \$290.00  
 Expended Spending Limit: \$0.00  
 Remaining Spending Limit: \$290.00

## Commissary Restrictions

### Spending Limit Restrictions

Restricted Spending Limit: \$0.00  
 Restricted Expended Amount: \$0.00  
 Restricted Remaining Spending Limit: \$0.00  
 Restriction Start Date: N/A  
 Restriction End Date: N/A

### Item Restrictions

List Name	List Type	Start Date	End Date	Userid	Active
-----------	-----------	------------	----------	--------	--------

## Comments

### Comments:

*Handwritten signature*  
 Page 2 of 2

FORM TO BE USED BY FEDERAL PRISONERS FOR FILING A PETITION FOR WRIT OF  
HABEAS CORPUS UNDER TITLE 28 U.S.C. § 2241

IN THE UNITED STATES DISTRICT COURT

FOR THE Boston - Ma. - Division

Joseph Marion Head Junior  
Petitioner

Reg. No. 17549-056  
P.O. Box 879 [J.M.C. Derens  
Ayer - Massachusetts 01432  
(Full name under which you were convicted;  
Prison Number; Full Mailing Address).

VS.

CIVIL ACTION NO. \_\_\_\_\_

U.S. Attorney General and  
Respondent(s)  
David L. Winn - Warden  
J.M.C. Derens

(Name of Warden or other authorized person  
having custody of Petitioner).

PLEASE COMPLETE THE FOLLOWING. READ THE ENTIRE PETITION BEFORE FILLING IT  
OUT. ANSWER THOSE QUESTIONS WHICH PERTAIN TO YOUR TYPE OF CLAIM.

1. This petition concerns: (check appropriate blank)

☒ A conviction  
☒ A sentence (CAUTION: If you are attacking a sentence imposed under a Federal Judgment, you  
must file a direct motion under 28 U.S.C. § 2255 in the Federal Court which entered the  
Judgment).

☐ Jail or prison conditions

☐ Prison discipline issue

☐ A parole problem

☒ Other. State briefly: Denied Right To Appeal - 18 U.S.C. 4245  
& commitment, Because of ineffective  
assistance of counsel and By The court Not  
Ordering an Untimely appeal because of same.

2. Place of detention: N-5 Cell 524 - Fed. Med. Center Derens  
42 Patton Road - Post Office Box 879 - Ayer -  
Massachusetts 01432.

7. Indictment or case number, if known: 4-98-CR-102
8. Offense or Offenses for which sentence was imposed: 18 U.S.C. 876 (9 counts)
9. Date upon which sentence was imposed and the term of the sentence: N/A See Ct. Records
10. When was a finding of guilt made? (Check one)  
 \_\_\_\_\_ After a plea of guilty  
☒ After a plea of not guilty  
 \_\_\_\_\_ After a plea of Nolo Contendre
11. If you were found guilty after a plea of not guilty, was that finding made by:  
☒ A jury  
 \_\_\_\_\_ A judge without a jury
12. Did you appeal the judgment of the conviction or the imposition of a sentence? ☒ Yes \_\_\_\_\_ No
13. If you did appeal, give the following information for each appeal:
- a. Name of court: U.S. Ct. App. 4th. Cir.
- b. Result: N/A - See Court Records
- c. Date of result: N/A - See Court Records
- d. Citation or number of opinion: N/A See Court Records
- e. Grounds raised: (List each one)  
N/A See Court Records  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**NOTE: If you appealed more than once, attach an additional sheet of paper the same size, give all the information requested above in question number 13, a through e. DO NOT WRITE ON BACK OF PAGE.**

15. If this petition concerns jail or prison conditions, prison discipline, a parole problem or other cause under 28 U.S.C. § 2241, answer the following:

a. Did you present the facts in relation to your present complaint in the internal prison grievance procedure?

\_\_\_\_\_ Yes \_\_\_\_\_ No N/A - See Prison Records

(1) If your answer to "a" above is yes, what was the result? N/A See Prison Records

(2) If your answer to "a" above is no, explain: N/A See Prison Records and all Court records relating to petitioner.

b. Did you present your claim to the Bureau of Prisons or other federal agency for administrative action?

\_\_\_\_\_ Yes \_\_\_\_\_ No N/A See Prison Records

(1) If your answer is "yes," state the date such claim was submitted and what action, if any has been taken:

N/A See Prison Records

(2) If your claim has not been acted on, attach copies of any correspondence you have received from the Bureau of Prisons or other federal agency concerning you. N/A See Prison Records and Court Records

c. **STATEMENT OF CLAIM:** State here as briefly as possible the facts of your case. DO NOT give any legal arguments or cite any cases or any statutes. Attach extra pages of the same size to this page if more room is necessary. DO NOT write on the reverse side of this page.

Petitioner was denied and/or deprived of his right to appeal his commitment 18 U.S.C. 4245(d) because his court appointed attorney did not file notice of appeal timely nor otherwise per petitioners request and instructions to him to do so. The court and staff at F.M.C. Devens is of knowledge of the aforesaid and ordered no relief nor release of or to petitioner. All relating to Petitioner's state and federal convictions and charges could have been presented at the commitment hearing, and on appeal therefrom and in a motion 18 U.S.C. 4245(c) 4247(h), 28 U.S.C. 2241 and was not presented by said attorney, etc. nor in Annual Reports to the Courts.



United States District Court  
For The District of Massachusetts  
Boston Division

United States of America	18 U.S.C. 4245(d)
Petitioner	commitment
vs	case No. _____
Joseph Marion Head Jr.	U.S. D. Ct. Boston -
Respondent	Massachusetts.

Motion For A Hearing To Determine  
Whether The Person Should Be Dischar-  
ged From Federal Medical Center Deven-  
18 U.S.C. 4247(h), U.S. Const. Amend. 5, 8, 14.

Now Comes, Joseph Marion Head Junior  
, Reg. No. 17549-056, Respondent in the  
above entitled cause, and movant herein  
, who himself pro se, respectfully  
moves the court for a hearing  
as aforesaid pursuant to the law  
aforesaid and such other law as applies.

Movant is presently housed in  
the Federal Medical Center Deven-  
located at, 42 Patton Road - Post Office  
Box 879, Ayer - Massachusetts 01432  
, In the custody of the Warden thereof  
, David L. Winn And The U.S. Attorney General.

Motion Page No. (2)

Morant was in the United States District Court in Boston Massachusetts committed on Nov. 17-03 by The Fed. Judge, Tauro.

Morant was represented by Court appointed attorney - William A. Brown - 31 Milk Street, Room 601 Boston - Massachusetts - 02109.

Said representation was not effective as required by law, constitution and Morant's rights.

Mr. Brown, presented no evidence nor witnesses on behalf of Morant, and did not allow Morant to testify in his own behalf nor allowed Morant to speak to Mr. Brown during nor after said hearing and only two or three times prior to said hearing. Nor did Mr. Brown file a timely notice of appeal on behalf of Morant as he told Morant he would do, per Morant's request that he do.

See and apply, *House v United States* S.D. Iowa (1970), 318 F. Supp. (75) *United States v Smith*, C.A. 6 (Mich.) (1967) 387 F. 2d, 268) *Sincox v United States*, 571 F.2d, 876, 879-80 (5th cir 1978) *U.S. v Wilson* 997, F.2d, 429, 431 (8th cir 1993)

Motion Page No. (3)

Mr. Brown at no time told morant that he did not file a timely notice of appeal and did not give morant all the records so morant could proceed pro se - self representation - Or seek appointment of counsel by the court.

Mr. Brown at no time informed and explained to morant his rights nor as to habeas corpus 28 U.S.C. 2241 nor as to a motion 4245 @ 4247(h).

Mr. Brown was totally ineffective and violative of Law, Constitution and morant's rights.

Morant tried to have Mr. Brown removed as morant's attorney and Fed. Judge Tauro denied the motion. Why? Proof of Legality of same and Validity of same, Demanded.

Crior to committing morant Judge Tauro did not allow morant to speak in his own behalf. Why?

Nor did said judge review all records relating to morant's court cases, State and Federal court cases. Why?



Motion Page No. (4)

How, When, Where, By Who or What was the law 18 U.S.C. 4245 and sub sec. 1 and 4247 and sub sec. 1 applied and not applied relating to Morant and his case and commitment, etc.? Proof of Same and of the Legality of same is Demanded by Morant.

### Subpoena 'B

Morant demands that the Court issue subpoenas to all person s places and things, relating to the commitment of Morant and prior thereto requesting same, all of G. M. C. Deven's Staff and all of ~~F. C. I.~~ Beckly, W. Va Staff and inmate relating to Morant's case, commitment, transfer, etc.. And All Person etc relating to Morant's criminal and civil court cases, V. A., S. S., S. S. I. and Each and all Phy: Prior and Present Relating To Morant and his court cases and commitments

Appoint Morant Counsel Hereto.  
Signed, Joseph Marion Head, junior 7-3-05



United States District Court  
For the District of Massachusetts  
Boston Division

Joseph Marion Head junior  
Reg. No. 17549-056  
Plaintiff,  
vs

Civil Case No.

United States of America  
and, F. M. C. Davens, and  
The Employees of Each,  
Which Are Liable Herein

Complaint

This is a complaint in forma pauperis  
or otherwise, as allowed and ordered by  
the Court, Cost of Filing, And For Legal Assist  
ence, Etc. To Be Paid Timely In Small  
Payments As Ordered By The Court.

For The

Violations of Plaintiffs Rights To  
Refuse Medication While Falsely  
Imprisoned And Or Kidnaped  
By Judicial Processes And Or By  
Relating To Judicial Processes.

Jurisdiction

## Complaint Page No. (2)

The Court Has Legal Jurisdiction Herein, Pursuant To The Provisions Of Laws And Constitution Which Legally Applies Hereto And Which May Be Legally Applied Hereto By The Court.

## Plaintiff

Plaintiff herein, is Joseph Marion Head Junior, Reg. No. 17549-056, who is presently housed in N-5 cell 524, of Federal Medical Center Devens, located at 42 Patton Road - Post Office Box 879, Ayer - Massachusetts - Zip Code - 01432. And is in the custody of the Warden thereof, who is, David Edwin, Also in the custody of the United States Attorney General.

## Background of Plaintiff

Background Of Plaintiff And Plaintiffs Criminal Court Cases - State And Federal, And The 18 U.S.C. 4245 (d) Commitment, As As Related Within The Prison And Court Records And Other Records Relating Thereto. To Enclude All Related and asserted and Demanded Therein And Relating Thereto And All Processes Etc. Relating To Each Of Same And The Court is Referred To Said R. ....

## Complaint Page No. (3)

as to all the aforesaid and etc relating thereto, as if same was related herein in proper order and form of same, as part hereof. The Court relating hereto make a complete findings of fact etc as to all the aforesaid, past, present, etc. as applies.

## Defendants

Defendants herein are, The United States of America And F. M. C. Derens, and the Employees of Each Which Are Liable Herein As Determined By The Court. Addresses, F. M. C. Derens, Post office Box 880 - Ayer - Massachusetts - 01432.

The United States Court of Appeals For The Fourth Circuit Prior Hereto Has Adjudged That When An Indigent Prisoner Proceeding Pro Se In Forma Pauperis, Is Not Required To Prove His Claims And Grounds In Advance of a Full Incourt Evidentiary Hearing.

Plaintiff Dose Not Waive This Right And Dose Demand Same Be Afforded To Him Without Any Unnecessary Delay, Etc..



## Complaint Page No. (4)

## Plaintiffs Right To Counsel

Plaintiff's rights to counsel is related in Amendments 4, 5, 6, 8, 14 of The United States Constitution and 18 U.S.C. 3006A, Etc., Laws and Cases as Known By The Courts,

## Plaintiffs Rights To A Liberal Construction

Plaintiff herein is a laymen at law, none versed in law and has had no professional training in law and is forced to proceed pro se without the assistance of a person professionally trained in law.

Plaintiff is an indigent person and has been for the past 58 years from his date of birth forward and has been in custody for over 31 years, illegally etc as is evident of prison and court records and law, constitution.

That it is well settled that pro se litigants generally are entitled to a liberal construction of their pleadings, etc., which should be read to raise the strongest arguments they suggest. *Green (v) U.S.*, 260 F.3d. 78, 83 (2d. Cir 2001) *Haines v Kerner* - 404 U.S.C. 519, 520 - 21 (1977)



## Complaint Page No. (5)

The Legal Grounds Herein are Plaintiffs  
 And Pro Se Related Without Legal  
 Assistance of a Person Professionally  
 Trained in Law.

## Ground (1)

Violative of Law And Constitution  
 And Plaintiffs Rights, Plaintiff is  
 And Was Forced To Take Medicen Which  
 He Had No Need For And No Need For  
 Said Medicen Was Ever Legally Proven  
 In A Court of Law Nor Otherwise. The  
 Medicen is Not Now And Was Not Prior  
 Needed By Plaintiff And There is And  
 Was Systematical Conspiracies Against  
 Plaintiff By Governmental Employees  
 And Inmates To Force Plaintiff To  
 Have To Take Medicen And To Denie  
 And Or Deprive Plaintiff of The Relief  
 And Release Plaintiff Demanded in  
 courts of Law, Legally And For just Cause,  
 And To Try To Cover Up Or Keep Secret  
 The Systems Etc. Plaintiff complained  
 of To Prison Staff And To The Courts  
 For Which Plaintiff is And Was Forced  
 To Take Medicen Which cost \$800.00  
 a shot, Once ever two weeks.

## Complaint Page No.(6.)

## Around (2)

Plaintiffs Commitment - 18 U.S.C. 4245(d) is and was illegal, unconstitutional and violative of law, constitution, plaintiffs rights, privileges, as appears and related and asserted, prior to the Prison Staff - Etc and to the Courts, Federal Courts. Further see each and all of plaintiffs legal claims, grounds, etc within the State and Federal Prison and Court records that relates and applies to the aforesaid and may be applied to the aforesaid by the courts. Further see all prior relief demanded by plaintiff and see each and all opinions, judgments and orders of the courts, etc relating to the aforesaid.

All The Aforesaid Could Have And Should Have Been Presented At The Commitment Hearing of the Plaintiff Nov. 17 - 2003 and at The Institutional Due Process Hearing December 1, 2003 and on The Appeals From Each Aforesaid.

Also in The Annual Case Summaries For The Court Made By Staff of F.M.C. Devens Also 18 U.S.C. 4245(c) and 4247(h) 28 U.S.C. 2241



## Complaint Page No(7)

Relief Demanded Herein is Demanded By Plaintiff Pro Se Who Does Not Know What Relief He Can Legally Demand Therefore The Court Must Grant And Order The Legally Authorized Relief And Deny The Rest, With Legal Reasons Stated For The Denial, in The Courts Order.

Plaintiff Pro Se Demands The Relief Stated And Indicated Herein Below.

(1)

Leave to proceed in forma pauperis based on the courts finding of fact, of Plaintiffs indigence for the past 58 years and past 31 years in custody and all prison and court records relating thereto. Same as to how much money would have to be paid each month, otherwise if not allowed to proceed if forma pauperis.

(2)

The Court appoint counsel hereto, to fully and effectively represent this complaint and plaintiff.

(3)

That all cost for, postages, record copying, etc copying, legal material, law books, ink pens and paper and legal pads, folders, envelopes, Certified Mailing, etc in.

## Complaint Page No. (8)

and ~~Typeset~~, be informal papers and or as otherwise allowed and ordered and the Clerk of Court, do all the typing and making of copies and mailing copies to defendants and to plaintiff and to the courts.

(4)

That the Court review all known Prison and Court and Other Records Relating to Plaintiff and determine therefrom which dose, can, may, will, apply to the matters etc related and asserted and demanded herein and attach a copy of same to the complaint and all copies of the complaint and provide plaintiff a free copy of same. Or Have a Court Appointed Attorney to Do the aforesaid.

(5)

The Court Grant and Order Incount Evidentry Hearings With Plaintiff Present, and Order a Jury Trial Hereto and each juror (2) a Teleopic and or a Mind Reader, Both if possible, and professionally trained in law.

(7)

Court Order Subpoena's to issue to all persons, places and things, to appear and testify and produce all



Complaint Page No. (9)

records etc relating to plaintiff and the aforesaid herein.

(8)

That the Court Grant And Order To Plaintiff, The Maximum Relief Authorized By Law, Constitutions Etc. all of same Be Tax Free Forever.

(9)

Court Order the Clerk of Court to make a Typed copy of this complaint and serve a copy of same on each defendant and the court and plaintiff and plaintiffs counsel if one is appointed or a Team of Attorneys Etc.. And Have the Clerk make all necessary copies of records etc. also and attach a copy to the complaint and each copy of the complaint and serve same.

Signed, Joseph Marion Deas Junior  
Reg. No. 17549-056

On this The 3 day of July 2005  
Same Date Mailed to Court

## IN THE UNITED STATES DISTRICT COURT

FOR THE

Ma.

DISTRICT OF

Ma.Boston DivisionJoseph Marion Vaz Jr.  
Plaintiff,Reg. No. 17549-056,

vs

Case No. \_\_\_\_\_

United States AmericaAndNorth Carolina

Defendants.

## COMPLAINT

This is a civil rights act suit for damages for unlawful conviction and sentence.

## JURISDICTION

The court has legal jurisdiction herein pursuant to the provisions of law and Constitution which applies hereto, to include 42 U.S.C. §§ 1981, 1983, 1984, 1985(3) and 1986; 28 U.S.C. §§ 1331, 1341, 1342, 1343, 2201 and 2202; and the Federal Rules of Civil Procedure Rule 57.

## PLAINTIFF

Plaintiff herein is Joseph Marion Vaz Jr. Reg. No.17549056 who is a Federal prisoner housed in the N-5 cell 524Federal Medical Center Revere located atP.O. Box 879 - Ayer - Massachusetts - 01432.

Plaintiff is in the custody of the Warden of the aforesaid institution, who is David L. Wain, Warden. Also, in the custody of the United States Attorney General.

DEFENDANTS

Defendants herein are as related below;

- (1) United States America, Title United States America  
Address U.S. Attorney General, U. S. Dept. of  
Justice, Washington - D.C. 20543
- (2) North Carolina, Title State of North Carolina  
Address N.C. Attorney General, N.C. Dept. of  
Justice - Raleigh - North Carolina 27602.

Plaintiff herein is proceeding pro se, without the legal assistance of a person trained in law and Plaintiff is a layman at law and has had no professional training in law and Plaintiff therefore respectfully moves the court for a liberal construction on and as to, all pleadings, claims, et c., herein and relating hereto.

That it is well settled that pro se litigants generally are entitled to a liberal construction of their pleadings, which should be read to raise the strongest argument they suggest. See: Green v. United States, 260 F 3d 78, 83 (2nd Cir. 2001), Haines v. Kerner, 404 U.S. 519, 520 - 21 (1972 per curiam).

Plaintiff's rights to counsel, legal assistance, et c., 18 U.S.C. § 3006(a) and et seq. thereof, U.S. Constitution Amendments Six and Fourteen. Plaintiff states that he does not waive this right to counsel, et c..

That the United States Court of Appeals for the Fourth Circuit prior, adjudged, that indigent laymen, (proceeding pro se) are not required to prove their asserted claims in advance of a full in court evidentry hearing.

The background of Plaintiff and his State and Federal Court cases and all related and asserted therein and relating thereto, is related within the prison and court records of and relating to Plaintiff, prior and present. Plaintiff does not himself have a copy of said records, therefore, cannot state the background herein and therefore refers the Court to said records as for the background of same and all related and asserted and demanded therein and relating thereto to include all opinions, judgements and orders of the courts, et c., thereto.

GROUND S ASSERTED HEREIN BY PLAINTIFF

PRO SE WITHOUT LEGAL ASSISTANCE OF A

PERSON PROFESSIONALLY TRAINED IN LAW

GROUND 1:

The convictions obtained in case no. 74CR2403,  
74CR2403A  
was obtained in violation of the laws or Constitution of the United States or of the State of N. C. in the in the ways related herein below and for the reasons stated herein below:

1. Plaintiff was not allowed file anything on appeal pro se and was not afforded his rights under Anders v California 1967, N.C.G.S. Vol. 1C 1974 Comm. Supp. Frivolous Appeals.
2. The Grand Jury Falsely Charged Plaintiff And Had No Evidence Etc. of A Violation of N.C.G.S. 14-177. See State v Whitmore 1969 N.C. case. See Griffen's Statements To Police.
3. Magistrate H.O. White Wrote A Warrant charging Griffen With Perjury And It Was Never Served Nor Enforced, Plaintiff was forced to fully serve his sentence,



## GROUND 2:

The federal sentences of Plaintiff are illegal in that they were enhanced based on an unlawful conviction not legally proven to be legal, valid, final, prior to using same to enhance Plaintiff's federal sentence and or to obtain an upward departure and a greater sentence based upon said unlawful prior convictions. See: Title 21 U.S.C. § 851. 851(e).

GROUND 3: The D.A. in 74CR2403A knowingly uses false or perjured testimony of Griffen, to obtain the convictions and the judges, justices, Defense Attorneys, Police, knows it.

GROUND 4: Subornant Perjury By D.A. Loue. He knewed and allowed Griffen to commit perjury to convict plaintiff in cases 74CR2403 - 74CR2403A.

GROUND 5: Each Claim, Grounds, Etc. Prior Asserted relating to 74CR2403 - 74CR2403A, See All State and Federal Prison And Court records relating to the aforesaid cases.

## RELIEF DEMANDED BY PLAINTIFF PRO SE

1. Leave to proceed In Forma Pauperis
2. Appointment of counsel hereto
3. In court evidentiary hearing with the Plaintiff present for same.

4. Subpoena's issued to the below persons:  
Each For Employee and Witness, Etc. Relating

1. Name: \_\_\_\_\_, Address: \_\_\_\_\_

To Plaintiffs Cases 74CR2403 - 74CR2403A.  
Each Attorney that was appointed to represent  
 2. Name: \_\_\_\_\_, Address: \_\_\_\_\_  
Plaintiff and His Court Cases.

All Records, Etc Relating To Plaintiffs

3. Name: \_\_\_\_\_, Address: \_\_\_\_\_

Criminal and civil court cases.

5. Grant and Order to Plaintiff, the maximum relief and money, authorized by law, Constitution, relating hereto.

Signed Joseph Marion Head Jr. Reg. No. 17549-056

Address: N-5 Cell 524 Fed. Med. Center

Revens, 42 Patton Road, Post Office Box 879 Ayer  
Massachusetts, 01432

#### CERTIFICATION OF SERVICE

I Joseph Marion Head Jr. Reg. No. 17549-056 state that on the 30st day of July, 2005, I sent to the Court:

U.S.D. Ct. located at Boston

Massachusetts, 02210

the original and ( 0 ) copies of the foregoing complaint and

I also sent a copy of said complaint to the Attorney General of

the United States, at: Not sent, due to Plaintiffs

indigence and lack of access to funds, Plaintiff  
could not make any copies, not even one for  
himself. The Court must have the Clerk of Court  
make and serve the required copies, and send  
Plaintiff a billed copy.

Signed Joseph Marion Head Jr. Reg. No. 17549-056

on this the 1 day of July, 2005.

Plaintiff request and moves the Court to order F.M.C. Revens to provide the Court with a copy of Plaintiffs Trust Funds for the past 31 years and a statement as to the indigence of Plaintiff as shown by the prison and court records for the past 31 years which Plaintiff was in custody and still is. Why? Legality of same must be proven.

Signed Joseph Marion Head Junior 1-7-05

IN THE UNITED STATES DISTRICT COURT

FOR THE Ma. DISTRICT OF Ma.  
Boston Division

Joseph Marion Hear Jr.  
Plaintiff,

Reg. No. 17549-056,

vs

Case No. \_\_\_\_\_

United States of America

And

North Carolina

Defendants.

COMPLAINT

This is a civil rights act suit for damages for unlawful conviction and sentence and for false imprisonment

JURISDICTION

The court has legal jurisdiction herein pursuant to the provisions of law and Constitution which applies hereto, to include 42 U.S.C. §§ 1981, 1983, 1984, 1985(3) and 1986; 28 U.S.C. §§ 1331, 1341, 1342, 1343, 2201 and 2202; and the Federal Rules of Civil Procedure Rule 57.

PLAINTIFF

Plaintiff herein is, Joseph Marion Hear Jr., Reg. No. 17549-056 who is a Federal prisoner housed in the N-5 Cell 524 Federal Medical Center Revere located at P.O. Box 879-Ayer - Massachusetts 01432.

Plaintiff is in the custody of the Warden of the aforesaid institution, who is David L. Winn, Warden. Also, in the custody of the United States Attorney General.



DEFENDANTS

Defendants herein are as related below;

- (1) United States America, Title United States America  
Address United States Attorney General, United States  
Department of Justice - Washington - D.C. 20543
- (2) North Carolina, Title State of North Carolina  
Address North Carolina Attorney General, N.C. Dept.  
of Justice - Raleigh, North Carolina 27602

Plaintiff herein is proceeding pro se, without the legal assistance of a person trained in law and Plaintiff is a layman at law and has had no professional training in law and Plaintiff therefore respectfully moves the court for a liberal construction on and as to, all pleadings, claims, et c., herein and relating hereto.

That it is well settled that pro se litigants generally are entitled to a liberal construction of their pleadings, which should be read to raise the strongest argument they suggest. See: Green v. United States, 260 F 3d 78, 83 (2nd Cir. 2001), Haines v. Kerner, 404 U.S. 519, 520 - 21 (1972 per curiam).

Plaintiff's rights to counsel, legal assistance, et c., 18 U.S.C. § 3006(a) and et seq. thereof, U.S. Constitution Amendments Six and Fourteen. Plaintiff states that he does not waive this right to counsel, et c..

That the United States Court of Appeals for the Fourth Circuit prior, adjudged, that indigent laymen, (proceeding pro se) are not required to prove their asserted claims in advance of a full in court evidentry hearing.



The background of Plaintiff and his State and Federal Court cases and all related and asserted therein and relating thereto, is related within the prison and court records of and relating to Plaintiff, prior and present. Plaintiff does not himself have a copy of said records, therefore, cannot state the background herein and therefore refers the Court to said records as for the background of same and all related and asserted and demanded therein and relating thereto to include all opinions, judgements and orders of the courts, et c., thereto.

GROUND S ASSERTED HEREIN BY PLAINTIFF

PRO SE WITHOUT LEGAL ASSISTANCE OF A

PERSON PROFESSIONALLY TRAINED IN LAW

GROUND 1:

The convictions obtained in case no. 74CR2403, was obtained in violation of the laws or Constitution of the United States or of the State of N. C. in the in the ways related herein below and for the reasons stated herein below:

1. Violations of The Protections Against Double Jeopardy As Appears And As Related And Asserted Within Prison And Court Records (State And Federal)
2. Violations of Right To A Speedy Trial By An Impartial Jury And Judge, As Appears And Related And Asserted Within The Prison And Court Records,
3. Violations of Rights To Counsel, As Appears And Related And Asserted Within The Prison And Court Records Relating To Head And His Court Cases,

## GROUND 2:

The federal sentences of Plaintiff are illegal in that they were enhanced based on an unlawful conviction not legally proven to be legal, valid, final, prior to using same to enhance Plaintiff's federal sentence and or to obtain an upward departure and a greater sentence based upon said unlawful prior convictions. See: Title 21 U.S.C. § 851. *and 851(e)*

GROUND 3: *Each Ground, Claim, Motion, Prior Presented Within Head's Prison And Court Records (State and Federal Court Records) As Each Stated Herein in Proper Form And Order.*

GROUND 4: *Head Federal Convictions And Sentences Are Illegal, Invalid, Etc. As Asserted And Related Within The Prison And Court Records.*

GROUND 5: *Head Was And Was Falsely Imprisoned and or Kidnaped From 1974, April 15, Forward Until Lawfully ordered To Be Released By The Courts of U.S.A.*

## RELIEF DEMANDED BY PLAINTIFF PRO SE

1. Leave to proceed In Forma Pauperis
2. Appointment of counsel hereto
3. In court evidentiary hearing with the Plaintiff present

for same.

4. Subpoena's issued to the below persons:  
*Each For Employee Relating To Head's Court Cases and each juror relating To Head's court cases.*  
 1. Name: \_\_\_\_\_, Address: \_\_\_\_\_  
*Each Prison and Court Record Relating To Head's Court Cases.*  
 2. Name: \_\_\_\_\_, Address: \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE Ma. DISTRICT OF Ma.  
Boston DIVISION

Joseph Marion Head Junior,  
Reg. No. 17549-056,  
Petitioner/Movant/Plaintiff/  
Appellant,

v.

As Related of Court,  
Records,

Respondents/Defendants/  
(Appellees.)

Case Number: U/K

U.S. Dist. Ct. for N.C.

W.Va., Boston Ma

Case Number: U/K

U.S. Ct. of Appeals for the

1st. Circuit and 4th

Case Number: U/A

U.S. Supreme Court

MOTION FOR THE APPOINTMENT OF COUNSEL based upon the indigence of Joseph Marion Head Jr. for appoint Counsel for cost of same to be paid by Joseph Marion Head Jr. in small amounts as allowed and Ordered by the court. U.S. Constitution Amendments 1, 5, 6, 8, 9, 14 as applies hereto and Title 18 U.S.C. §§ 3006(a) and sub sec. thereof.

NOW COMES, Joseph Marion Head Jr. Reg. No. 17549-056 who is the See Ct. Rec. in the above entitled cause and movant herein, who himself Pro Se, respectfully moves the Court to appoint him Counsel in the aforesaid entitled case, for the purpose of effectively representing movant in all matters, etc., relating to the aforesaid entitled cause.

## PROOF OF SERVICE

I, Joseph Marion Head Junior, certify that on June 30, 2005, I mailed a copy of this document and all attachments via First Class mail to the following parties at the addresses listed below:

United States District Court Judge - Tauro  
and each other judge for the,  
United States District Court  
John Joseph Moaskely U.S. Courthouse  
1 Court House Way Suite 2300  
Boston - Massachusetts - 02210

## PROOF OF SERVICE FOR INCARCERATED LITIGANTS

In addition to the above Proof of service, all litigants who are currently incarcerated should include the following statement with all documents to be filed with the court:

I certify that this document was given to officials<sup>1</sup> on this date for forwarding to the United States District Court for the District of Boston - Massachusetts. I further certify under penalty of perjury that the foregoing is true and correct. Title 28 U.S.C. § 1746.

Respectfully submitted this 30 day of June, 2005.

Joseph Marion Head Jr.  
Name: Joseph Marion Head Junior  
Number: 17549-056  
FMC Devens, Unit IV-5 Cell 524  
P.O. Box 879  
Ayer, Massachusetts 01432

<sup>1</sup> Filings by prisoners who represent themselves are to be considered filed at the moment such pleadings are delivered to authorities for forwarding to clerk. Houston v Lack, 487 U.S. 266 (1988).



United States District Court  
For The District of Massachusetts  
Boston Division

United States of America  
Petitioner

VS

Joseph Marion Heas Junior  
Reg. No. 17549-056  
Respondent

Civil Case Number

U.S.D.C. - Boston - ma.

18 U.S.C. 424

Commitment

Motion For A Hearing To Determine Whether Respondent Aforesaid Should Be Discharged From The Facility Where Housed, Assigned, 18 U.S.C. 4247(h), United States Constitution Amendments, 1, 4, 5, 6, 8, 9, 14 as legally applies hereto and thereto the commitment of Respondent Aforesaid.

Now Comes, Joseph Marion Heas Junior Reg. No. 17549-056, who is the respondent in the above entitled cause and is the movant herein, who himself prase respectfully moves the Court for discharge pursuant to the Law 18 U.S.C. 4247(h) and the Constitutions as legally applies hereto and thereto the commitment etc. - movant herein aforesaid.

## Motion Page No. (2)

Morant is presently housed in the N-5-Cell 524 - F.M.C. Devens located at, 42 Patton Road - Post Office Box 879 - Ayer - Massachusetts - 01432. and is in the custody of the Warden Thereof, who is, David L. Winn and is also in the custody of the United States Attorney General, Address, United States Department of Justice, Washington D.C. 20543

Background Of Morant's Commitment and Etc. Relating Thereto, As Related Within The Court and Prison Records of And Relating To Morant, Past, Present, Hereinafter as applies. Is to be stated by the Respondents hereto and by the persons having custody of morant, aforesaid herein. And by the Court and judge relating hereto. And Or By An Attorney at Law Appointed or Retained to Represent morant herein and etc relating hereto. Morant cannot do it himself because he is a layman and does not know how

Motion Page No. (4)

Mr. Brown did not effectly represent morant prior to the commitment hearing and did not effectfully prepare to represent morant at said hearing, etc as necessary.  
(2)

Mr. Brown did not present any evidence nor witnesses on behalf of morant and did not allow morant to testify in his own behalf and did not allow morant to talk during the hearing  
(3)

Mr. Brown did not file a timely notice of appeal on behalf of morant as Mr. Brown told Morant He would Do if Morant Was Committed, Morant Askes Mr. Brown To Do The Aforesaid.  
(4)

Mr. Brown did not inform morant nor the Court that He Did Not File The Notice of Appeal As He Said He Would Do - Per Morants Request To Him To Do, On Morants Behalf.  
(5)

Mr. Brown Did Not Give Morant The Prison And Court Records Relating To Morant - So Morant Could Proceed Pro Se And Or With Another Attorney at Law.



## Motion Page No. (5)

The Federal Sentences of Movant is And Was illegal Or Unconstitutional And Violative of Law Or Constitution And of The Rights Or Privileges of Movant And The Courts Have Not Yet Or Will Not Order Movant's Lawful Court Release And Relief. And See Movant Commitment Order For Movant's 18 U.S.C. 4245 (d) commitment, as to the length of the commitment stated in Ct. Order.

The Federal Judge Which Committed Movant, failed to consider all records and the contents of same, which relates and applies to Movant and Movant's criminal and civil cases, prior and present, etc as applies.

The Federal Judge Which Committed Movant did not allow Movant to speak in his own behalf prior to committing Movant, And Movant was —, was not allowed to testify and present Evidence And Witnesses in his own behalf, Because of (1) ineffective assistance of counsel and (2) Denial of A Hearing On...



## Motion Page No. (9)

The court is asked etc, to review all of movant's prison and court records for the past 31 years, and determine therefrom, the indigence of movant, past and present, etc. And enter an order allowing Movant to proceed in forma pauperis as to all matter, etc and ways stated in the court's orders, to include as to, cost for, typing, copying, and postage, ink pens, paper, law books and legal material, copies of records, etc, filing fees, attorney fees, etc fees and cost. Further order that movant be reimbursed for all cost for, filing, copying, stamps, postage, etc, which movant had to pay in the past 31 years, to include for all things movant has to do without due to his indigence in the past 31 years.

The Court estimate the amount aforesaid which should be paid to movant and why as stated by The Court. U.S. Const. Amend. 1, 4, 5, 6, 8, 9, 14 N.C. Const. Art. I Sec. 19, 21, 23, 27, all aforesaid as applies to the aforesaid.

Motion Page No. (10)

The Court is referred to all and why and order and insure morant himself receives said relief.

Order Respondents, Etc. F.M.C. Devens, To Fully Respond To all Related Etc. Herein. The United States Attorney General Also Respond.

Morant is and was Falsely Imprisoned or Kidnaped or Both.

Respectfully Presented On July 4<sup>th</sup>. 2005.

Signed, Joseph Marion Head junior  
Reg. No. 17549-056 (7-4-05)

OFFICE OF THE CLERK

UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

RICHARD CUSHING DONOVAN  
CLERK

JOHN JOSEPH MOAKLEY  
UNITED STATES COURTHOUSE  
1 COURTHOUSE WAY, SUITE 2500  
BOSTON, MA 02210  
(617) 748-9057

July 12, 2005

Joseph Marion Head, Jr., Reg. No. 17549-056  
N-5 Cell 524  
Federal Medical Center Devens  
P.O. Box 879  
Ayer, MA 01432

Dear Mr. Head:

I am returning the enclosed materials to you at this time because it is unclear whether you intended to file them in the district court or in an appeal pending before this court. This court is a court of appeals. Civil complaints should be filed in the district court. Further, it is unclear as to whether you are attempting to initiate an original proceeding in this court, and, if so, what sort of proceeding.

Sincerely,  
Richard Cushing Donovan, Clerk

By: Julie Gregg  
Julie Gregg, Operations Manager

Enclosures

*File And Process The Complaint Herewith  
Informa pauperis bas on this courts  
record etc relating to plaintiff and  
Order F. M. C. Devens Send the court  
a Statement of Plaintiffs Trust  
Fund For Past Six Months.  
Joseph Marion Head Junior 17549-056  
7-18-05*

ST  
PRO SE

To Each State And Federal Court And Each  
Other Court Within American Legal  
Jurisdiction Relating Hereto.

2005 JUL -8 P 1:11

Joseph Marion Head Junior  
17549-056

FILED IN CLERKS OFFICE  
U.S. COURT OF APPEALS  
FOR THE FIRST CIRCUIT

Complaint, See Ct. Rec.  
Amendment To The  
Records

VS

State of North Carolina  
Defendant, Respondent,

28 U.S.C. 1331, 1343,  
42 U.S.C. 19-81, 83, 84 etc.

Around (1)

Violative Of The United States Constitution  
Amendment Five And Fourteen - The  
State of North Carolina Denied And Deprived  
Joseph Marion Head Junior Of His Liberty  
Without Due Process And Equal Protection  
Of Law And Constitution And Human Rights.

See And Apply Each Of Head's Prior  
Claims, Grounds, Errors, Motions, Etc.  
Within The Prison And Court Records  
Relating To Head And His State And  
Federal Court Cases And Civil Commit-  
ments. Further Apply Each Opinion And  
Judgment And Order Of The Courts  
Relating To The Aforesaid.

Relief Demanded

Pro Se By Head

All the relief within the aforesaid records,  
prior demanded by Head. Further Demanded  
is Ten Billion Dollars Tax Free Per Each Day  
Head is and was illegally in custody.

Signed, Joseph Marion Head Junior 17549-056

7-5-05



To Each Federal Judge And Justice And To  
Head's Trial Jury and Grand jury.  
C/O - Federal Judge, Lacey H. Thornburg. And  
C/O - Federal Judges In Massachusetts

U.S.A. (V) Head - 17549-056 (No. 4-98-CR-102.)  
False Imprisonment Or Kidnaping Head,  
Violation of Defendants Sixth Amendment  
Right To A Speedy And Impartial Trial  
By An Impartial Jury And Judge.

### FACTS

All of Defendants trial Testimony as if same  
related herein in proper form of same.

### AND

The Governments Attorney Improper And Or  
prejudicial statement to The judge and the  
jury, misleading the judge and jury to  
believe and find the defendant guilty of all  
nine counts in the indictment, No. 4-98-CR-102.

The Governments Attorney Stated The  
Rule of Law Of Guilt, Based On The  
Ignorance of The Defendant of  
The Law 18 U.S.C. 876 At The  
Time The Defendant Wrote The Letters  
And Mailed The Letters. Without  
Proving The Defendant Had No  
Reasons Which Would justify Him  
For Not Knowing 18 U.S.C. 876 At  
The Time The Letter's Was Wrote  
And Mailed By The Defendant.  
Therefore failed to prove that the  
Defendant knowingly Violated The Law.

(2)

Defense counsel was ineffective for not making timely objections and motions to and relating to the aforesaid and for proper instructions by the trial judge relating to the aforesaid, prior to jury verdicts. Further the court should have instructed the jury on the courts own action, etc. and did not do so. Why Not,?

The Governments Attorney Failed To Legally Prove That Defendant Was Planning To Do An Illegal Act In An Illegal Way By What Was Wrote In Defendants Letters.

The Governments Attorney Failed To Legally Prove That The Defendant Wilfully, Deliberately, Intentionally, And Knowingly Did Acts To Violate 18 U.S.C. 876.

The Governments Attorney Failed To Legally Prove That The Defendant Wilfully, Deliberately, Intentionally, And Knowingly Did Acts In Violation of 18 U.S.C. 876.

The Governments Attorney Failed To Prove Legally That There Was No Reasons That Would Justify The Defendant Not Knowing The Law 18 U.S.C. 876 At The Time Of The offenses.

(3)

Had the trial jury and judge and the Appeals Court (s) judges and other judges, justices, etc., had known the aforesaid herein, what would have their verdicts, judgments, orders, etc. have been most likely and why?

Was it ineffective assistance of counsel, for counsel to not timely present the aforesaid, to the jury, judges etc? How was the defendant prejudiced by the aforesaid not having been presented timely, prior hereto?

Head, Pro Se Demands As Relief

1- Dismissal With Prejudice as to all charges, convictions - 4-98 CR-102)

2- Judgments of Acquittals on all charges of 4-98 - CR-102.

3- Legal Payment To Head Himself Pro Se, 29,000,000 Zillion Zillion Tons Tax Free United States Dollars, Legal Currency. And A Zillion Dollar Masion Built in the Shape of The Letters Which Spells Head's Full Name And Same Have Two Zillion Dollars worth of furnishings and equiptment etc and a Medical Ward builded in same and Computer Center Built in.

Signed, Joseph Marion Head junior 17549-056  
July 2th, 2005



SP

The Each Federal Court Within American jurisdictions, Re: U.S.A. (VS) Head 4-98-CR-102 and etc relating thereto and to Head (VS) as related of court records and case numbers thereto. Additional Ground and Reif Demanded, Additional Trillion Tons of Dollars Tax Free & American Curvicer Legal Money.

The Convictions of Head Was Obtained Violative of Law And Constitution And Head Rights And The Sentences Are Therefore Illegal Also, And Further As Prior Asserted By Head.

Had The Trial Judge Thornburg Correctly Instructed The Trial Jury of Head Cases Their Verdicts Would Have Been Not Guilty Most Likely, Because The Asst. U.S. Attorney had misled The jury To believe and find That Head was guilty because he did not know the law 18 U.S.C. 876 at the time he wrote and mailed the letters. Said Attorney stated To the jury and judge the rule of law, Ignorance of the law is no excuse for Not knowing the law.

He did not state the reasons of Head for not knowing said law that would have justified Head not knowing the law.

He further failed to prove That Head had a criminal intent to violate said by writing and mailing the letters Not knowingly violating said law.



UNITED STATES DISTRICT COURT  
FOR THE Ma. DISTRICT OF Ma.  
Boston DIVISION

Joseph Marion Head Jr.  
Reg. No. 17549-056,  
Plaintiff,  
vs  
United States of America,  
And,  
State of North Carolina,  
Defendants.

Civil Case # \_\_\_\_\_

Reference to Criminal Case

Number(s)

Case # 4-98-CR-102 (Fed.)  
Case # 74CR2403 (State N.C.)  
Case # 74CR2403A (State N.C.)  
Case # See Ct. Rec. (State N.C.)

COMPLAINT

In Forma Pauperis

This is a Civil Rights Act law suit for damages (money) for unlawful conviction and unlawful sentence and for false imprisonment, kidnapping and/or conspiracy to convict Plaintiff.

**JURISDICTION**

The Courts have legal jurisdiction herein pursuant to the provisions of law and Constitution of the United States of America and States thereof as applies and as may be legally applied herein.

THE PARTIES

PLAINTIFF

Plaintiff herein is, Joseph Marion Head Junior,  
Reg. No. 17549-056, who is presently housed in the F.M.P. Devens  
located at 42 Patton Road - Post Office Box 879  
Ayer - Massachusetts - 01432,  
and is in the custody of the Warden  
thereof, who is David L. Winn, also in the custody of  
United States Attorney General.

DEFENDANTS

Defendants herein are as listed below.

1. United States of America, Title United States of America  
at the Office of the United States Attorney General, United  
States Department of Justice, Washington, D.C. 20543.
2. State of North Carolina Title State of North Carolina  
Address Roy Cooper - N.C. Attorney General's  
office - 9001 Mail Service Center - Raleigh, N.C. 27699-9001
3. \_\_\_\_\_, Title \_\_\_\_\_,  
Address \_\_\_\_\_  
\_\_\_\_\_.
4. \_\_\_\_\_, Title \_\_\_\_\_,  
Address \_\_\_\_\_  
\_\_\_\_\_.

BACKGROUND

Background of Plaintiff and Plaintiff's criminal record, cases, convictions, etc., are or is as related within the records of the Governments of the United States of America and the State of North Carolina, Boston-Ma., Beckely, W. Va.

Record relating to Plaintiff herein: as to said background the court is herefore referred to said records as if same was related herein in proper order and form of same and all therein same, each of same and etc., relating to the processes etc., relating to each of same.

The Fourth Circuit Court of Appeals in another case adjudged that an indigent laymen at law, proceeding pro se is not required to prove his claims and grounds in advance of a full incourt evidentry hearing.

Plaintiff does not waive nor abandns his rights to a full incourt evidentry hearing with Plaintiff present for same to prove the instant complaint.

Plaintiff's rights to counsel is related in 18 U.S.C. § 3006(a) and sub seq. thereof and in the United States Constitution Amendments 5, 6 and 14 as applies herein and hereto the instant complaint.

Plaintiff herein is a layman at law, non versed in law and has had no professional training in law and is forced to proceed pro se without assistance of persons professionally trained in law, until the courts appoint counsel hereto. Therefore should be afforded a liberal construction as to all matters etc., related and asserted and demanded herein and relating hereto.



"That it is well settled that pro se litigants, generally, are entitled to a liberal construction of their pleadings, etc., which should be read to raise the strongest arguments they suggest."

See: Green v. United States, 260 F 3d 78, 83 (2nd Cir. 2001) and Haines v. Kerner, 404 U.S. 519, 520 - 21, (1972 per curiam).

GROUNDS

Grounds Asserted Herein  
are Listed, Stated, Below

*As Applies To Each  
Case of Plaintiff*

The conviction obtained in criminal Case No.: Case of Plaintiff is unlawful, in that it was obtained in violation of the law or Constitution of the United States of America or of the State of North Carolina, for the reasons stated herein below and in the ways stated herein below.

(1) As prior related and asserted relating to this case, Each of Plaintiff, by the Defense Attorney of record and/or by Plaintiff, pro se, as related of court records or by others as authorized by law, constitution, etc., to do so. As to same and all relating thereto see, all known prison and court records relating all known prison and court records relating to the aforesaid and to Plaintiff herein.

(2) The United States Supreme Court's Opinions, Judgements and Orders, entered in the Case of N/A or U/K - See Ct. Rec's as applies and as may be applied to Plaintiff's criminal Case No. Each of Plaintiff Cases retroactively or otherwise as applies and may be applied to all criminal cases etc., by law and constitution.

(3) The reasons of each juror or Judge, for finding the Plaintiff guilty was not legally proven to be legally valid and final, prior to sentencing nor on appeals, etc., processes of the case nor in the Federal Courts, Title 21 U.S.C. § 851, et seq., nor prior to federal sentencing of Plaintiff nor on Plaintiff's federal appeals, etc., processes relating to

Plaintiff. Therefore, enhancement and upward departures were illegal.

(4) The convictions were obtained based upon false or perjured testimony or testimony not proven to be not false or perjured and the witnesses and victims were not advised of their rights nor the rights of the Plaintiff prior to making statements and/or testifying against Plaintiff and Plaintiff was not afforded his right to reply to or make corrections to inaccurate or offensive statements or testimony or reasons for the jury verdict of guilty.

(5) The jury verdicts of guilty are inaccurate, offensive and contrary to evidence, testimony, statements or law and are violative of Plaintiff's rights or privileges. *See Records.*

(6) The Federal Sentences of Plaintiff are illegal in that they exceed the maximum authorized by law 21 U.S.C. 851(a-2) no waiver was made, and no other indictment was returned and Prior Convictions, Etc. Unlawful.

(7) Federal Sentences illegal because State of North Carolina failed to provide Federal court information that would have required reduction of sentences because of unlawful prior charges and convictions.

(8) Federal Attorney failed to prove that Plaintiff knowingly violated 18 U.S.C. 876 or knowingly did acts in violation of 18 U.S.C. 876, See Transcript of trial as to Plaintiff's testimony.

The sentences imposed in criminal Case No. Each Case of Plaintiff was illegally imposed, or is illegal, or exceeds the maximum authorized by law or by Constitution or by Plaintiff's rights, or is otherwise invalid, etc. according to law. The aforesaid as applies to the below stated and listed herein.

(1) The sentences were not based upon a legal and valid conviction and the conviction was not based upon a legal and valid indictment. The aforesaid as is evident and legal proof of same by the contents of the Court records and the records of the Grand Jury, relation to the criminal Case No. Each Case of Plaintiff and all asserted and related herein, hereto.

(2) The sentences are illegal also because they were enhanced and/or upwardly departed, based upon prior convictions which were unlawful or not legally proven to be valid, legal, final, prior to using same to the prejudice of the Plaintiff as to federal sentencing, etc. See and apply Title 21 U.S.C. § 851 and all laws, cases, relating to enhancements, etc.

(3) The United States Supreme Court's Opinions, Judgments, Orders in the cases of Booker, Fanfan, Blakely, Apprendi and Strickland v. Washington, (1984), as applies and/or may be, applied to Plaintiff's criminal Case No. Each Case of Plaintiff

(4) Plaintiff was not appointed counsel for the purpose of representing his prior charges and prior convictions in an effort to obtain a lesser federal sentence for Plaintiff or to prevent enhancements and/or upward departure, in Plaintiff's criminal Case No. 4-98-CR-102 and defense counsel of record and appeals, did not represent Plaintiff prior convictions and



charges for the aforesaid purposes, etc. See 18 U.S.C. § 3006A et seq. thereof. See also: United States Constitution Amendments 1, 4, 5, 6, 8, 9, 14 and Title 21 U.S.C. § 851 et seq. thereof, Strickland v. Washington, (1984).

(5) Plaintiff Did Not Legally Waive His Rights To Counsel On 7/4CR 2403 And Was Not Appointed Counsel For Retrial of Mistrial Nor The Sentencing but was for appeal, See Ct. Rec. of Appeal, Etc.,

(6) Each Prior Claim, ground, error, motion, etc prior presented within the State and Federal Prison and Court Records Relating To Plaintiff.

(7) U.S. Attorney misled the judge, and jury to believe and find Plaintiff Guilty of Each Charge Because of A Rule of law as to ignorance of the law -- but did not prove there was no justifiable Reasons.

(8) Counsel was ineffective on appeal for failing to present on appeal all that plaintiff has presented to the courts Pro Se

(9) Plaintiff was allowed and forced to represent his own self in the past 25 years without a hearing to see if he was competent to do so and if not appoint counsel. See All Court. Records

COMPETENCE OF PLAINTIFF

The Court must conduct a competence hearing to determine the competence of Plaintiff. To legally represent himself relating hereto and to determine whether or not counsel, etc. must be appointed hereto and why, and as to who or what has to pay for same, why. *When etc.*

*The Court must determine whether or not Plaintiff is and was competent to represent him self in the past years from August 1976 forward and was he afforded counsel, if so, when, where, by who and what and which counsel.*

*See each petition, motion, complaint, etc presented pro se, was Plaintiff competent and should have the courts granted incourt evidentiary hearings? If so, when etc and why? What would have been the outcome had Plaintiff been represented by effective counsel as to all the aforesaid, etc?*

RELIEF

Plaintiff, Pro Se, demands the Court to grant and Order to him the relief stated and listed herein below.

(1) Leave to proceed In Forma Pauperis and if denied, leave to pay costs of filing, etc. in timely payments as Ordered by the Court and as allowed by the Court to include as to appointment of counsel, etc., costs relating to this complaint and processes relating thereto, to include for cost of copies of records, etc., books and etc., legal materials and postage and costs of copying records etc. relating hereto.

(2) Order all processes, etc., relating to this complaint, to be fully filmed and recorded and sound thereto and fully transcribed and transcripts of same be ordered made and give to Plaintiff as well a mimeograph copy of same and hereinafter or all which the Court will grant and Order and reasons stated for denying the rest.

(3) A Death Sentence For And To Each Male Who Fucked Plaintiffs Daughter and Her Mother and Plaintiffs Two Sons Mothers and Shenita Marie Griffen, From 1973 Forward other than Plaintiff. Plaintiff was Hedled Prisoner, Kidnaped so others could fuck the afoursais and marrie them and babies born. Same was not aforded to Plaintiff. Why? How many times and by who and what was<sup>11</sup>- they fucked?

SUBPOEINA'S

Plaintiff's demands that subpoena's issue for the below listed and named or indicated, to be present and testify at the evidentiary hearings and jury trials relating hereto as ordered hereto.

- (1) All Prison and Court Records Relating To Plaintiff, Past, Present, Etc.
- (2) All Government Employees of and relating to Plaintiffs Cases, Etc.
- (3) All Government Witnesses Relating To Head Cases, Past, Present, Etc.
- (4) All of Head's Family and Children and Former Wives of Head.
- (5) All of Head's Girl Friends From his age 5 forward.
- (6) All prison inmates relating to plaintiffs court cases, etc.
- (7) The Resident Judge of Each State and Federal Courts in America.
- (8) All Attorneys At Law Who Has Ever Represented Plaintiff, Prior Etc.



(4) A Jury Trial.

(5) The maximum relief and sum of money which can legally be ordered relation hereto, to Plaintiff hereof, see all prior records relating to Plaintiff as to the relief asked for or demanded and whether same was denied or granted and why, etc. Plaintiff has been in custody over 31 years, illegally, etc., as is evident and proof of same within the prison and Court records and laws, etc. *Falsely imprisoned and or kidnaped by judicial processes, etc.*

Signed,

This 17 day of 7, 2005,

*Joseph Marion Hear Junior*

CERTIFICATION OF SERVICE

I Joseph Marion Head Jr. reg. no. 17549-056,  
state that on the 17 day of 7, 2005, I sent to the  
Court aforesaid in the complaint, the original and 0 copies of  
same said complaint and I also sent a copy of said complaint to  
the Defendants named in the complaint on this, the N/A day of  
N/A, 200N/A by placing all the aforesaid in the inmate mail  
box at Did Not Send Same Except To The Court  
\_ for inmate legal out going mail. J. M. C. Derens

Signed,

this 17 day of 7, 2005,

Joseph Marion Head Junior  
Due to Plaintiffs indigence he did not make  
and send a copy of the aforesaid complaint  
As Required and does not have a  
copy for him self. The Court must make  
and serve same and to Plaintiff also.  
See all of this Courts Prior records of  
Plaintiffs cases and Plaintiff, as to the  
indigence of Plaintiff, etc. Order  
J. M. C. Derens to send to this court all  
other infromation needed as to the  
indigence of Plaintiff in the past year.  
Joseph Marion Head Junior 17549056  
7-17-05



**U.S. Department of Justice**  
**Office of Information and Privacy**

Washington, D.C. 20530

Telephone: (202) 514-3642

**JUL 12 2005**

Appeal No. 05-1544  
Request No. 04-3699  
Re: RLH:GLB:JTR

Mr. Joseph M. Head, Jr. Unit N-5  
Register No. 17549-056, Cell 524  
Federal Medical Center,  
Federal Medical Box  
Post Office 01432  
Ayer, MA

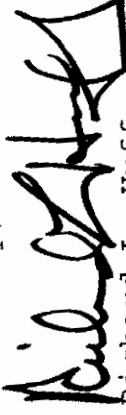
Dear Mr. Head:

You appealed from the action of the Executive Office for United States Attorneys on your request for records concerning you. Specifically, as outlined in your letters dated May 2, 2005, and May 12, 2005, you inquire as to why you have not received your records from the EOUSA, despite having sent in a check in the amount of \$59.80 to cover the fees related to your request.

As of June 14, 2005, the EOUSA has no record of receiving any payment from you, or on your behalf. Until the EOUSA receives payment in the amount of \$59.80, it will not send you the releasable portions of the records responsive to your request. Additional information or proof that you sent your check may aid the EOUSA in processing your request. This could include information such as who wrote the check, the exact date it was sent, the location from where it was sent, or any additional information you may believe is helpful. Please send to the EOUSA directly any information you believe may assist in locating your check or understanding what may have happened to it.

If you are dissatisfied with my action on your appeal, you may seek judicial review in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,



Richard L. Huff  
Co-Director

*Heard was latter informed  
that records office at Denver  
Did not write the check  
when Heard had funds  
and could not when he  
spend same, unknowingly  
that the check was not sent  
Joseph Marion Heard January 7-18-05*

*Order F.M.C. Denver  
Pay The cost for the  
Records and cost to the  
Medial Records and  
all other Records of Heard*



UNITED STATES DISTRICT COURT  
FOR THE Ma DISTRICT OF Ma  
Boston DIVISION

FILED  
JUL 20 2005  
U.S. DISTRICT COURT  
BOSTON, MASSACHUSETTS

Joseph Marion Head Jr.  
Reg. No. 17549056,  
Plaintiff,  
vs  
United States of America,  
United States of America  
And,  
North Carolina,  
Defendants.

Civil Case # \_\_\_\_\_

Reference to Criminal Case  
Number(s)

Case # 4-98-CR-102 (Fed.)  
Case # 74CR2403 (State N.C.)  
Case # 75CR2403A (State N.C.)  
Case # All others in (N.C.)

COMPLAINT

In Forma Pauperis

This is a Civil Rights Act law suit for damages (money) for unlawful conviction and unlawful sentence and for false imprisonment, kidnapping and/or conspiracy to convict Plaintiff.

*Federal Sentences increased and enhanced and upwards departure based on unlawful Prior Charges and Unlawful Prior State conviction, Not Proven To Be Legal And Valid Prior To Federal Sentencing nor on appeal nor at any other time prior hereto. See Title 21 U.S.C. 851 sub sec. 5 and Notes thereto and all case laws etc, That applies to the aforesaid.*

JURISDICTION

The Courts have legal jurisdiction herein pursuant to the provisions of law and Constitution of the United States of America and States thereof as applies and as may be legally applied herein.

*18,28,42 U.S.C. As Applies  
and As May Be Applied Relating  
Hereto.*

THE PARTIES

PLAINTIFF

Plaintiff herein is, Joseph Marion Head, Jr.  
Reg. No. 17549056, who is presently housed in the F.M.C. Derens  
located at 42 Patton Road - Post Office Box  
879 Ayer, Massachusetts - 01432,  
and is in the custody of the Warden  
thereof, who is David L. Winn, also in the custody of  
The United States Attorney General.

DEFENDANTS

Defendants herein are as listed below.

1. United States of America, Title United States of America  
at the Office of the United States Attorney General, United  
States Department of Justice, Washington, D.C. 20543.
2. State of North Carolina, Title State of North Carolina  
Address Roy Cooper - N.C. Attorney General's  
Office 9001 Mail Service Center - Raleigh, N.C. 27699-9001
3. U.S. Attorney Gen. Title U.S. Attorney Gen.  
Address U.S. Department of Justice,  
Washington - D.C. 20543
4. David L. Winn, Title Warden - F.M.C. Derens  
Address Post Office Box 880, Ayer - Massachusetts  
01432.

BACKGROUND

Background of Plaintiff and Plaintiff's criminal record, cases, convictions, etc., are or is as related within the records of the Governments of the United States of America and the State of North Carolina, Boston Ma., Beckely, W. Va, Courts.

Record relating to Plaintiff herein: as to said background the court is herefore referred to said records as if same was related herein in proper order and form of same and all therein same, each of same and etc., relating to the processes etc., relating to each of same.

The Fourth Circuit Court of Appeals in another case adjudged that an indigent laymen at law, proceeding pro se is not required to prove his claims and grounds in advance of a full incourt evidentry hearing.

Plaintiff does not waive nor abandns his rights to a full incourt evidentry hearing with Plaintiff present for same to prove the instant complaint.

Plaintiff's rights to counsel is related in 18 U.S.C. § 3006(a) and sub seq. thereof and in the United States Constitution Amendments 5, 6 and 14 as applies herein and hereto the instant complaint.

Plaintiff herein is a layman at law, non versed in law and has had no professional training in law and is forced to proceed pro se without assistance of persons professionally trained in law, until the courts appoint counsel hereto. Therefore should be afforded a liberal construction as to all matters etc., related and asserted and demanded herein and relating hereto.



"That it is well settled that pro se litigants, generally, are entitled to a liberal construction of their pleadings, etc., which should be read to raise the strongest arguments they suggest."

See: Green v. United States, 260 F 3d 78, 83 (2nd Cir. 2001) and Haines v. Kerner, 404 U.S. 519, 520 - 21, (1972 per curiam).

Plaintiff. Therefore, enhancement and upward departures were illegal.

(4) The convictions were obtained based upon false or perjured testimony or testimony not proven to be not false or perjured and the witnesses and victims were not advised of their rights nor the rights of the Plaintiff prior to making statements and/or testifying against Plaintiff and Plaintiff was not afforded his right to reply to or make corrections to inaccurate or offensive statements or testimony or reasons for the jury verdict of guilty.

(5) The jury verdicts of guilty are inaccurate, offensive and contrary to evidence, testimony, statements or law and are violative of Plaintiff's rights or privileges.

(6) The U.S. Attorney Failed To Legally Prove That Plaintiff Had nor could state any legal reasons which would justify him not knowing the law 18 U.S.C. 876 at the time the letters was wrote and mailed.

(7) The U.S. Attorney Failed To Legally Prove That Head Knowingly and intentionally violated the Law 18 U.S.C. 876 or did acts violative of said law, intentionally and knowingly.

(8) The U.S. Attorney failed To Legally prove that plaintiff has a criminal intent To do an illegal act when released from prison. Head thought he had a legal right based on the case of State v Head 73 CR 5059.

charges for the aforesaid purposes, etc. See 18 U.S.C. § 3006A et seq. thereof. See also: United States Constitution Amendments 1, 4, 5, 6, 8, 9, 14 and Title 21 U.S.C. § 851 et seq. thereof, Strickland v. Washington, (1984). Deliberate Acts By Counsel.

(5) Violative of Plaintiffs Rights, Mr. Wolf and Harris failed to effectively represent Plaintiff prior to their withdrawal. Had they done so, Plaintiffs Court cases would have been dismissed.

(6) Violative of Plaintiffs Rights of Appeal Plaintiffs Court Appointed Counsels failed to present on appeals, all which could have and should have been presented on each appeal and thereafter, State, Federal.

(7) Violative of Plaintiff's Rights To A Speedy Trial And Against Double Jeopardy A mistrial was declared in 74 CR 2403 without Plaintiffs consent and the jury was discharged without Plaintiffs consent.

(8) Violative of Plaintiffs Rights to A Speedy Trial and against double jeopardy the D.A. failed to object to the mistrial and to the discharge of the chosen jury and and did not timely reserve rights to re prosecute.

(9) 18 U.S.C. 3161(e), Strunk v United States supra, 1973, Rule 48(b) Crim. Proc., State N.C. v McCoy a N.C. Supreme Court case, N.C.G.S. 15-10-2, 15A-711(c) and all double jeopardy laws, cases, rights, etc..

COMPETENCE OF PLAINTIFF

The Court must conduct a competence hearing to determine the competence of Plaintiff. To legally represent himself relating hereto and to determine whether or not counsel, etc. must be appointed hereto and why, and as to who or what has to pay for same, why.

Trial, Conviction, Sentences, Forced Self Representation of or by an incompetent Person etc, violates due process and other rights. Was Said Rights Ever Violated Relating To Plaintiffs State and Federal Court cases.

If so, when, where, how, why and by who and what? If not, How Not?

How dose or did the aforesaid apply to all prior asserted and demanded by Head and on Head's behalf And father as relates and applies hereto and thereto each of his court cases and civil commitments and forced medical violative of law and his rights and not being afforded his rights to refuse said medicine by injection.



RELIEF

Plaintiff, Pro Se, demands the Court to grant and Order to him the relief stated and listed herein below.

(1) Leave to proceed In Forma Pauperis and if denied, leave to pay costs of filing, etc. in timely payments as Ordered by the Court and as allowed by the Court to include as to appointment of counsel, etc., costs relating to this complaint and processes relating thereto, to include for cost of copies of records, etc., books and etc., legal materials and postage and costs of copying records etc. relating hereto.

(2) Order all processes, etc., relating to this complaint, to be fully filmed and recorded and sound thereto and fully transcribed and transcripts of same be ordered made and give to Plaintiff as well a mimeograph copy of same and hereinafter or all which the Court will grant and Order and reasons stated for denying the rest.

(3) The maximum relief authorized by law as to all relief prior demanded and asked for by Plaintiff From 1980 Forward within the prison and court records.

(4) Determine the indigence of Plaintiff based on all prison and court records and all adjudication and all asserted and related records and No Evidentiary Hearings Nor Counsel was ever afforded Plaintiff complaints, etc. see court records and why not?

SUBPOEINA'S

Plaintiff's demands that subpoena's issue for the below listed and named or indicated, to be present and testify at the evidentiary hearings and jury trials relating hereto as ordered hereto.

- (1) Each Governmental Employee And Witness and inmate, Relating To Head's cases.
- (2) Director of N.C. State Bar Association
- (3) Director of N.C. Judicial Standard Commission
- (4) All Court and Other records, tapes, recordings, film, etc relating to Head's cases
- (5) The Resident State and Federal Judges of Each Court Relating To Head's cases
- (6) All Defense Attorneys Relating To Head's Cases and Prison Records,
- (7) All F.B.I. and Other Police Records of and Relating To Head's Cases and Head.
- (8) A Memmbergraph copy of all aforesaid records etc, transcripts, etc.

(4) A Jury Trial.

(5) The maximum relief and sum of money which can legally be ordered relation hereto, to Plaintiff hereof, see all prior records relating to Plaintiff as to the relief asked for or demanded and whether same was denied or granted and why, etc. Plaintiff has been in custody over 31 years, illegally, etc., as is evident and proof of same within the prison and Court records and laws, etc. *and V.A. and S.S. Records. and all other Governmental Records as applies to Head and Head's cases etc...*  
Signed,

This 18 day of 7, 2005,

*Joseph Marion Head Jr.*

*Additional Relief Demanded Pro Se  
By Head Hereinaforesaid.*

- (1) *One Billion Dollars Tax Free Per Each Second Plaintiff is and was illegally in custody, Past, Present, Etc...*
- (2) *All of The 29th Judicial District of North Carolina Be converted into a luxury Personal and Private Astate For Plaintiff herein for ever his Tax Free and all thereof and relating thereto and One Billion Dollars Worth of Supplies and repairs, Per Each - 2 years hereinafter.*

CERTIFICATION OF SERVICE

I, Joseph Marion Head Jr. reg. no. 17549-056,  
state that on the 18 day of 7, 2005, I sent to the  
Court aforesaid in the complaint, the original and 0 copies of  
same said complaint and I also sent a copy of said complaint to  
the Defendants named in the complaint on this, the 18 day of  
7, 2005, by placing all the aforesaid in the inmate mail  
box at F.M.C. Derens  
\_ for inmate legal out going mail. only.

Signed,

this 18 day of 7, 2005,

Joseph Marion Head Jr.  
No Copies of This Complaint was made  
and served, due to the indigence  
of Plaintiff. The Court will have to  
make and serve same and send  
Plaintiff a filed copy of same.  
Joseph Marion Head Junior 17549 056  
18-7-05



## IN THE UNITED STATES DISTRICT COURT

FOR THE

Ma

DISTRICT OF

MaBarton DivisionJoseph Marion Hearsh  
Plaintiff,Reg. No. 17549 056,

vs

Case No. \_\_\_\_\_

U.S. A. and N.C.  
and U.S. Att. Gen.  
and N.C. Att. Gen.  
and Warden, Wison  
Defendants.

## COMPLAINT

This is a civil rights act suit for damages for unlawful conviction and sentence.

## JURISDICTION

The court has legal jurisdiction herein pursuant to the provisions of law and Constitution which applies hereto, to include 42 U.S.C. §§ 1981, 1983, 1984, 1985(3) and 1986; 28 U.S.C. §§ 1331, 1341, 1342, 1343, 2201 and 2202; and the Federal Rules of Civil Procedure Rule 57.

## PLAINTIFF

Plaintiff herein is, Joseph Marion Hearsh Reg. No.17549 056 who is a Federal prisoner housed in the N-5 Cell 52442 Patton Road, Post Office Box 879 located atF.M.C. Deerens - Azar - Ma. 01432.

Plaintiff is in the custody of the Warden of the aforesaid institution, who is Davis L. Winn Warden. Also, in the custody of the United States Attorney General.

## DEFENDANTS

Defendants herein are as related below;

- (1) U.S. A., Title U.S. A.,  
Address U.S. Att. Gen., U.S. Dept. of Justice  
Washington, D.C. 20543
- (2) State of N.C., Title State of N.C.,  
Address N.C. Att. Gen. - Roy Cooper  
N.C. Dept. of Justice, Raleigh, N.C. 27602

Plaintiff herein is proceeding pro se, without the legal assistance of a person trained in law and Plaintiff is a layman at law and has had no professional training in law and Plaintiff therefore respectfully moves the court for a liberal construction on and as to, all pleadings, claims, et c., herein and relating hereto.

That it is well settled that pro se litigants generally are entitled to a liberal construction of their pleadings, which should be read to raise the strongest argument they suggest. See: Green v. United States, 260 F 3d 78, 83 (2nd Cir. 2001), Haines v. Kerner, 404 U.S. 519, 520 - 21 (1972 per curiam).

Plaintiff's rights to counsel, legal assistance, et c., 18 U.S.C. § 3006(a) and et seq. thereof, U.S. Constitution Amendments Six and Fourteen. Plaintiff states that he does not waive this right to counsel, et c..

That the United States Court of Appeals for the Fourth Circuit prior, adjudged, that indigent laymen, (proceeding pro se) are not required to prove their asserted claims in advance of a full in court evidentiary hearing.

The background of Plaintiff and his State and Federal Court cases and all related and asserted therein and relating thereto, is related within the prison and court records of and relating to Plaintiff, prior and present. Plaintiff does not himself have a copy of said records, therefore, cannot state the background herein and therefore refers the Court to said records as for the background of same and all related and asserted and demanded therein and relating thereto to include all opinions, judgements and orders of the courts, et c., thereto.

GROUND S ASSERTED HEREIN BY PLAINTIFF

PRO SE WITHOUT LEGAL ASSISTANCE OF A

PERSON PROFESSIONALLY TRAINED IN LAW

GROUND 1: *Title 2 / U.S.C., 85 / and sub sec. 5 and notes.*

The convictions obtained in case no. 74CR2403 was obtained in violation of the laws or Constitution of the United States or of the State of N.C. in the in the ways related herein below and for the reasons stated herein below:

1. *The Trial judge Bailey Entered The Plea of Not Guilty and Forced Plaintiff To Trial, Violative of Amend. 1, 4, 5, 6, 8, 14 and N.C. Const. Art. 1 Sec. 19, 21, 23, 27 as applies*
2. *Violation of Right To Counsel, Court Appointed Attorneys in August 1976 withdrawn from Plaintiff's Court Cases and could have staid on the case and assert ineffective Counsel*
- X. *because of insufficient time to prepare, See State v Merker 1969 (N.C. case)*  
*The judge forced Head to represent his own self and afordes Head only a day 1/2 to prepare*  
*Head was a laymen at law and in custody.*

## GROUND 2:

The federal sentences of Plaintiff are illegal in that they were enhanced based on an unlawful conviction not legally proven to be legal, valid, final, prior to using same to enhance Plaintiff's federal sentence and or to obtain an upward departure and a greater sentence based upon said unlawful prior convictions. See: Title 21 U.S.C. § 851, *sub sec's and note*.

GROUND 3: *Violative of Law, Constitution and Rights*  
*The Court denied Head a continuance in Aug. 1976*  
*that the motion was based on two constitutional*  
*reasons or grounds for same, See Ct. Records.*

GROUND 4: *Violative of Law, Constitution, Rights*  
*Judge Bailey and D.A. Lowe, Selected the*  
*trial jury and forces Head to reprosecution*  
*of 74CR2403, a conviction obtained illegally and sentenced.*

GROUND 5: *Violative of Law, Constitution, Rights,*  
*Judge Bailey appointed for Head's appeal*  
*an attorney who had refused to represent*  
*the case and Head at retrial of mistrial.*

## RELIEF DEMANDED BY PLAINTIFF PRO SE

1. Leave to proceed In Forma Pauperis
2. Appointment of counsel hereto 18 U.S.C. 3006A.
3. In court evidentiary hearing with the Plaintiff present for same. *(4th Cir. Ct. appeal judgment over 20 years ago.)*
4. Subpoena's issued to the below persons:  
*Each Gov. Employee and Witness relating to Head's*  
*cases and Head.*  
*Each Juror relating to Head's court cases.*
  1. Name: \_\_\_\_\_, Address: \_\_\_\_\_
  2. Name: \_\_\_\_\_, Address: \_\_\_\_\_



Each Attorney At Law That Was Appointed To  
 3. Name: \_\_\_\_\_, Address: \_\_\_\_\_  
Head's Court Cases.

5. Grant and Order to Plaintiff, the maximum relief and money, authorized by law, Constitution, relating hereto.

Signed Joseph Marion Heas, Reg. No. 17549056

Address: N-5 Cell 524, Z.M.C. Devens

P.O. Box 879 - Ayer - Ma. 01432

#### CERTIFICATION OF SERVICE

I, Joseph Marion Heas, Reg. No. 17549056, state that on the 19 day of 7, 2005, I sent to the Court:

U.S. D. Ct. located at Boston, Ma.  
02210

the original and (0) copies of the foregoing complaint and I also sent a copy of said complaint to the Attorney General of

the United States, at: 0 - Copies sent, due to indigence and not having copies nor funds to make and to, copies. The court will have to make and serve the copies and send Heas a file copy.

Signed Joseph Marion Heas, Reg. No. 17549056

on this the 19 day of 7, 2005.

court is to review all of Head's prison and court records to see, etc the indigence of Head for the past 31 years in custody, and his trust fund balance for the past 6 months. Order Defendants and Z.M.C. Devens to provide the aforesaid information to Court.  
Signed, Joseph Marion Heas Junior 7-18-05

World And Nations And Blacks That Would  
not Let Head Have His Family and children  
Why? Joseph

Master Band of Christ... Marion Head Junior.  
Bad Movies, Run Away, Sugar Shak, Baby Hot Blue Jeans On  
Prase The Lord & Saw The Light, 3 Wooden Crosses.  
Paper Masions, Spirit in The Sky, Waite For me.  
From A Jack To A King, On Holden Pond.

Those Girls of My Past Can Kiss My Glass  
and I Hope They Are all Happy With Him.  
Band of Gold, Divorce --- My Hart is an Open Book.

Misprisons of A Felony And Mens Rea.  
Excepting Consent To Sex And Having Sex Under  
False Pretents is Rape And On Other Crimes.

Where The female consented to one  
man or person, thinking she was  
consenting to another man or  
person and though she was having  
sex with said man or person and  
the male knowed the aforesaid  
and had sex with her it violates  
Laws And the rights of the  
unconceived fetous.

Joseph Marion Head Junior has been in  
custody From April 15th 1974 forward  
and has not had sex with any male  
or female. Question is, Who Has Been  
Fucking And Sucking Who Or What, When  
, Where, How, Why. Was same lawful  
sex? Death Sentences Demanded For  
And To Each Male Who Rapes Etc As  
aforesaid Under False Pretents Etc..

The female was supposed to have been  
aboding with Head and Having Babies By Head.

Each Time a female Got Fucked etc when it Should have been with Head instead of the other person Head Demands A Death Sentence To Be Applied To Each Male Who did the Fucking Etc To To Each That could Have prevented it and did not, Misprisons of A Felony and Mens Rea.

Head's Human Rights Protected By The Laws, Constitutions and American Convention on Human Rights was and is Violated. Why, By Who and What, When, Where, How See All of Head's Prison and Court Records and Etc Relating thereto.

Release Head To A Personal and Private Astate (Luxury) as his own and send to him his children and their mothers to abode with him for ever and All Girls and Women who wants to come visit Head etc may be approved by Head. Private Nurses, Doctors, Etc. For the Astate as part of same, all be females, good looks, good figgers, good health and no older than 40 years old, No Black Persons.

All cost Etc. Be Paid For Ever As part of The Relief Ordered  
Joseph Marion Head Junior 17549.056  
July 18th 2005



UNITED STATES DISTRICT COURT

FOR THE Ma. DISTRICT OF Ma.  
Boston DIVISION

Joseph Marion Nease Jr.  
Reg. No. 17549-03-6

Plaintiff,

vs

United States of America,

And  
State of North Carolina

Defendants.

Civil Case # \_\_\_\_\_

Reference to Criminal Case

Number(s)

Case # 4-98-CR-102 (Fed.)

Case # 74CR2403 (State N.C.)

Case # 74CR2403A (State N.C.)

Case # All others (State N.C.)

COMPLAINT

In Forma Pauperis

This is a Civil Rights Act law suit for damages (money) for unlawful conviction and unlawful sentence and for false imprisonment, kidnapping and/or conspiracy to convict Plaintiff.

*all as appears of Prison and Court records and records, etc. relating thereto. And all related and asserted therein the aforesaid and relating thereto. Blevens Act-Unknown --- Violations of Procedural Due Process By Governmental Staff and Persons Etc. on inmate clothing.*



JURISDICTION

The Courts have legal jurisdiction herein pursuant to the provisions of law and Constitution of the United States of America and States thereof as applies and as may be legally applied herein. *To Exclude 18, 28, 42, U.S.C. N.C.G.S. 17-8, 17-10, 17-17, 17-21 15A-954(a-1 to 10 as applies.*

THE PARTIESPLAINTIFF

Plaintiff herein is, Joseph Marion Head Junior,  
 Reg. No. 17549056, who is presently housed in the L.M.C. Derens  
 located at 42 Patton Road, Post Office Box 879,  
Ayer - Massachusetts - 01432,  
 and is in the custody of the Warden  
 thereof, who is David L. Winn, also in the custody of  
United States Attorney General.

DEFENDANTS

Defendants herein are as listed below.

1. United States of America, Title United States of America  
 at the Office of the United States Attorney General, United  
 States Department of Justice, Washington, D.C. 20543.
2. Roy Cooper (N.C.), Title N.C. Attorney General  
 Address 9001 Mail Service Center - Raleigh  
, North Carolina 27699 - 9001.
3. Government Staff, Title Gov. Employees,  
 Address See Prison and Court, Etc Gov. Rec.  
as to each liable relating hereto.
4. \_\_\_\_\_, Title \_\_\_\_\_,  
 Address \_\_\_\_\_.

BACKGROUND

Background of Plaintiff and Plaintiff's criminal record, cases, convictions, etc., are or is as related within the records of the Governments of the United States of America and the State of North Carolina - Fed. Ct. (Ma.) N.C.) Beckly W. Va.

Record relating to Plaintiff herein: as to said background the court is herefore referred to said records as if same was related herein in proper order and form of same and all therein same, each of same and etc., relating to the processes etc., relating to each of same.

The Fourth Circuit Court of Appeals in another case adjudged that an indigent laymen at law, proceeding pro se is not required to prove his claims and grounds in advance of a full incourt evidentry hearing.

Plaintiff does not waive nor abandns his rights to a full incourt evidentry hearing with Plaintiff present for same to prove the instant complaint.

Plaintiff's rights to counsel is related in 18 U.S.C. § 3006(a) and sub seq. thereof and in the United States Constitution Amendments 5, 6 and 14 as applies herein and hereto the instant complaint.

Plaintiff herein is a layman at law, non versed in law and has had no professional training in law and is forced to proceed pro se without assistance of persons professionally trained in law, until the courts appoint counsel hereto. Therefore should be afforded a liberal construction as to all matters etc., related and asserted and demanded herein and relating hereto.

"That it is well settled that pro se litigants, generally, are entitled to a liberal construction of their pleadings, etc., which should be read to raise the strongest arguments they suggest."

See: Green v. United States, 260 F 3d 78, 83 (2nd Cir. 2001) and Haines v. Kerner, 404 U.S. 519, 520 - 21, (1972 per curiam).

See Each and All Claims, Grounds, Errors, Motions, Etc. Within the Prison and Court Records Relating To Plaintiff And Plaintiffs State and Federal Court Cases and Commitment 18 U.S.C. 4245(d) All Records, Persons, Places And Things Relating To The Aforesaid. Past, Present, Etc. As Applies.



GROUNDS

**Grounds Asserted Herein  
are Listed, Stated, Below**

The conviction obtained in criminal Case No.: Each of Plaintiffs is unlawful, in that it was obtained in violation of the law or Constitution of the United States of America or of the State of North Carolina for the reasons stated herein below and in the ways stated herein below.

(1) As prior related and asserted relating to this case, Each Aforsaid by the Defense Attorney of record and/or by Plaintiff, pro se, as related of court records or by others as authorized by law, constitution, etc., to do so. As to same and all relating thereto see, all known prison and court records relating all known prison and court records relating to the aforesaid and to Plaintiff herein.

(2) The United States Supreme Court's Opinions, Judgements and Orders, entered in the Case of As Applies (See Rec. n.) as applies and as may be applied to Plaintiff's criminal Case No. Each Aforsaid, retroactively or otherwise as applies and may be applied to all criminal cases etc., by law and constitution.

(3) The reasons of each juror or Judge, for finding the Plaintiff guilty was not legally proven to be legally valid and final, prior to sentencing nor on appeals, etc., processes of the case nor in the Federal Courts, Title 21 U.S.C. § 851, et seq., nor prior to federal sentencing of Plaintiff nor on Plaintiff's federal appeals, etc., processes relating to

Plaintiff. Therefore, enhancement and upward departures were illegal. *Bases on the Aforesaid.*

(4) The convictions were obtained based upon false or perjured testimony or testimony not proven to be not false or perjured and the witnesses and victims were not advised of their rights nor the rights of the Plaintiff prior to making statements and/or testifying against Plaintiff and Plaintiff was not afforded his right to reply to or make corrections to inaccurate or offensive statements or testimony or reasons for the jury verdict of guilty. *of his State and Federal Convictions*

(5) The jury verdicts of guilty are inaccurate, offensive and contrary to evidence, testimony, statements or law and are violative of Plaintiff's rights or privileges.

(6) Violation of Right To Counsel - Court did not inform defendant of the dangers of self-representation at trial and further processes of the case in State and Federal Courts. The Waiver is therefore illegal etc...

(7) Violation of Right To Counsel - Court forced defendant to choose between representing himself or accepting unprepared counsel and incompetent counsel and ineffective counsel - Robert G. Summy.

(8) N.C. and U.S.A. was required to prove beyond a reasonable doubt, that the errors etc had no substantial effect on the jury's view of the cases when it deliberated to a guilty verdict - See Chapman v California (Brecht)

The sentences imposed in criminal Case No. \_\_\_\_\_ was illegally imposed, or is illegal, or exceeds the maximum authorized by law or by Constitution or by Plaintiff's rights, or is otherwise invalid, etc. according to law. The aforesaid as applies to the below stated and listed herein.

(1) The sentences were not based upon a legal and valid conviction and the conviction was not based upon a legal and valid indictment. The aforesaid as is evident and legal proof of same by the contents of the Court records and the records of the Grand Jury, relation to the criminal Case No. \_\_\_\_\_ and all asserted and related herein, hereto.

(2) The sentences are illegal also because they were enhanced and/or upwardly departed, based upon prior convictions which were unlawful or not legally proven to be valid, legal, final, prior to using same to the prejudice of the Plaintiff as to federal sentencing, etc. See and apply Title 21 U.S.C. § 851 and all laws, cases, relating to enhancements, etc.

(3) The United States Supreme Court's Opinions, Judgments, Orders in the cases of Booker, Fanfan, Blakely, Apprendi and Strickland v. Washington, (1984), as applies and/or may be applied to Plaintiff's criminal Case No. \_\_\_\_\_

—.

(4) Plaintiff was not appointed counsel for the purpose of representing his prior charges and prior convictions in an effort to obtain a lesser federal sentence for Plaintiff or to prevent enhancements and/or upward departure, in Plaintiff's criminal Case No. \_\_\_\_\_ and defense counsel of record and appeals, did not represent Plaintiff prior convictions and

charges for the aforesaid purposes, etc. See 18 U.S.C. § 3006A et seq. thereof. See also: United States Constitution Amendments 1, 4, 5, 6, 8, 9, 14 and Title 21 U.S.C. § 851 et seq. thereof, Strickland v. Washington, (1984).

(5) The question is not whether the juries (jurors) were right in their verdicts and judgments, regardless of the errors or its effect upon the verdict. It is rather what effect the error had or reasonably may be taken to have had on the jury's decision. The crucial thing is the impact of the thing done wrong on the minds of other men not on one's own, in the total setting. This must take account of what the error meant to them, not singled out and standing alone, but in relation to all else that happened. And one must judge others reactions not by his own, but with allowance for how others might react and not be regarded generally as acting without reason. This is the important difference, but one easy to ignore when the sense of guilt comes strongly from the record. Further see, Greer v. Miller 483 U.S. 756, 769 (1987) and Brecht v. Abrahamson

(6) See and apply etc. each error, claim, ground, motion with in Plaintiffs Prison and court records, State and Federal.



COMPETENCE OF PLAINTIFF

The Court must conduct a competence hearing to determine the competence of Plaintiff. To legally represent himself relating hereto and to determine whether or not counsel, etc. must be appointed hereto and why, and as to who or what has to pay for same, why.

*Further to determine the competence of plaintiff for the past 31 years of being forced to proceed Pro Se as he was and is without legal training afforded to him in the past 31 years and him not being able to use the law libraries etc. and not having access access to law books, State, Federal Etc. and not having copies of his records nor funds to pay for copies and postage etc. And Not being released when he could work and earn funds for the cost of the aforesaid and attorney fees etc.*

RELIEF

Plaintiff, Pro Se, demands the Court to grant and Order to him the relief stated and listed herein below.

(1) Leave to proceed In Forma Pauperis and if denied, leave to pay costs of filing, etc. in timely payments as Ordered by the Court and as allowed by the Court to include as to appointment of counsel, etc., costs relating to this complaint and processes relating thereto, to include for cost of copies of records, etc., books and etc., legal materials and postage and costs of copying records etc. relating hereto.

(2) Order all processes, etc., relating to this complaint, to be fully filmed and recorded and sound thereto and fully transcribed and transcripts of same be ordered made and give to Plaintiff as well a mimeograph copy of same and hereinafter or all which the Court will grant and Order and reasons stated for denying the rest.

(3) Order Each Male Who Fucked Plaintiffs Daughter and Her Mother and the mothers of Plaintiffs two sons, in the past 31 years, Order each of same to be Put To Death By Legal Injection. Same as to Shenia Marie Haiffen in the past 31 years. And Order the aforesaid females and sons to obod with Heas Plaintiff for ever and not let any male fuck them And Order all Males Put To Death That Trys To Fuck them, etc or Kiss, date, tuck etc Kill all of same or-11- give me a gun when I can.

SUBPOEINA'S

Plaintiff's demands that subpoena's issue for the below listed and named or indicated, to be present and testify at the evidentiary hearings and jury trials relating hereto as ordered hereto.

- (1) All Prison And Court Records Relating To Plaintiff.
- (2) All Government Employees Relating To Plaintiff's Cases Past, Etc.
- (3) All State and Federal Witnesses For The Governments.
- (4) Each Male Who has ever fucked Plaintiff's Daughter and Her Mother and His two Sons Mothers.
- (5) Each Judge And Justice, Etc. Clerks of each State and Federal Courts Etc.
- (6) V.A. and S.S. and S.S.I. Staff Members Relating To Plaintiff.
- (7) The Judges of The Judicial Standard Commissions, State and Federal.
- (8) The Director of Each State and Federal Bar Association.

(4) A Jury Trial.

(5) The maximum relief and sum of money which can legally be ordered relation hereto, to Plaintiff hereof, see all prior records relating to Plaintiff as to the relief asked for or demanded and whether same was denied or granted and why, etc. Plaintiff has been in custody over 31 years, illegally, etc., as is evident and proof of same within the prison and Court records and laws, etc. *False Imprisonment and Kidnaper By Judicial Processes and relating to Judicial Processes.*  
Signed,

This 17 day of 7, 2005,

*Joseph Marion Head Junior*

*See Each And All of Plaintiff  
Prison And Court Records For The  
Past 31 years. And Determine The  
Indigence of Plaintiff Therefrom.  
Order J. M. C. Devens And The  
Defendants Provide The Court With  
a Statement of Information as To  
all the aforesaid records and contents  
Thereof.*



CERTIFICATION OF SERVICE

I, Joseph Marion Head Jr., reg. no. 17549-056,  
state that on the 18 day of 7, 2005, I sent to the  
Court aforesaid in the complaint, the original and 0 copies of  
same said complaint and I also sent a copy of said complaint to  
the Defendants named in the complaint on this, the 0 day of  
0, 2000, by placing all the aforesaid in the inmate mail  
box at Federal Medical Center Denver  
for inmate legal out going mail.

Signed,

this 17 day of 7, 2005,

Joseph Marion Head Jr.  
Due to the indigence of Plaintiff  
copies was not made and served  
, therefore the court will have to  
make and serve same and send  
Plaintiff a filed copy.

Joseph Marion Head Junior  
17549-056

17-7-05

IN THE UNITED STATES DISTRICT COURT  
FOR THE Ma DISTRICT OF Ma  
Boston, Ma

Joseph Marion Head Jr.  
Plaintiff,

Reg. No. 17549056,

vs

U. S. A.

And

State N. C. And  
Misprison of A Felony  
Defendants.

Case No. \_\_\_\_\_

### COMPLAINT

This is a civil rights act suit for damages for unlawful conviction and sentence and false imprisonment.

### JURISDICTION

The court has legal jurisdiction herein pursuant to the provisions of law and Constitution which applies hereto, to include 42 U.S.C. §§ 1981, 1983, 1984, 1985(3) and 1986; 28 U.S.C. §§ 1331, 1341, 1342, 1343, 2201 and 2202; and the Federal Rules of Civil Procedure Rule 57. Misprison of A Felony

### PLAINTIFF

Plaintiff herein is, Joseph Marion Head Jr. Reg. No. 17549056, who is a Federal prisoner housed in the N-5 Cell 524 Federal Medical Center Denver located at 42 Patton Road - Post Office Box 879 Ayer, Ma. 01432. Plaintiff is in the custody of the Warden of the aforesaid institution, who is David L. Winn Warden. Also, in the custody of the United States Attorney General.

## DEFENDANTS

Defendants herein are as related below;

- (1) U. S. A., Title U. S. A.,  
Address U.S. Attorney Gen., U.S. Dept. of Justice  
Washington - D.C. 20543
- (2) State N.C., Title State N.C.,  
Address Roy Cooper - N.C. Att. Gen. - N.C. Dept.  
of Justice, Raleigh, North Carolina 27602

Plaintiff herein is proceeding pro se, without the legal assistance of a person trained in law and Plaintiff is a layman at law and has had no professional training in law and Plaintiff therefore respectfully moves the court for a liberal construction on and as to, all pleadings, claims, et c., herein and relating hereto.

That it is well settled that pro se litigants generally are entitled to a liberal construction of their pleadings, which should be read to raise the strongest argument they suggest. See: Green v. United States, 260 F 3d 78, 83 (2nd Cir. 2001), Haines v. Kerner, 404 U.S. 519, 520 - 21 (1972 per curiam).

Plaintiff's rights to counsel, legal assistance, et c., 18 U.S.C. § 3006(a) and et seq. thereof, U.S. Constitution Amendments Six and Fourteen. Plaintiff states that he does not waive this right to counsel, et c..

That the United States Court of Appeals for the Fourth Circuit prior, adjudged, that indigent laymen, (proceeding pro se) are not required to prove their asserted claims in advance of a full in court evidentiary hearing.

The background of Plaintiff and his State and Federal Court cases and all related and asserted therein and relating thereto, is related within the prison and court records of and relating to Plaintiff, prior and present. Plaintiff does not himself have a copy of said records, therefore, cannot state the background herein and therefore refers the Court to said records as for the background of same and all related and asserted and demanded therein and relating thereto to include all opinions, judgements and orders of the courts, et c., thereto.

GROUNDS ASSERTED HEREIN BY PLAINTIFF  
 PRO SE WITHOUT LEGAL ASSISTANCE OF A  
 PERSON PROFESSIONALLY TRAINED IN LAW

GROUND 1:

The convictions obtained in case no. *Fed. Cases and 74CR2403A*  
 was obtained in violation of the laws or Constitution of the  
 United States or of the State of N.C. in the in the ways  
 related herein below and for the reasons stated herein below:

1. *Failure to instruct and charge on lesser offenses supported by the evidence and testimony at trial - Solicitation of Prostitution and Prostitution - Breach of Promise For Sex.*
- \* *Breach of Agreement For Sex. The Entert To Pay Etc. Prior To Sex. But Not Keep Because of Reasons testified To In Court. See Victims Statements To Police - Perjury At Trials.*
3. *The Prosecution Knowingly Used False Or Perjured Testimony To obtain the convictions and To try to convict on first degree so a death sentence would have been imposed.*



## GROUND 2:

The federal sentences of Plaintiff are illegal in that they were enhanced based on an unlawful conviction not legally proven to be legal, valid, final, prior to using same to enhance Plaintiff's federal sentence and or to obtain an upward departure and a greater sentence based upon said unlawful prior convictions. See: Title 21 U.S.C. § 851 and see sec. 8 and notes

GROUND 3: The Statutes of Laws Alledged Violated By Plaintiff's and Was Unconstitutional on Their Face or As Applied To Plaintiff From Date Charged Forward, See All Prison and Court Records.

GROUND 4: See and Apply Each and All of Plaintiffs Prior Claims, Grounds, Errors of Trial Etc and all motions etc of plaintiff.

GROUND 5: Violative of Law, Constitution, Rights Etc. Plaintiff's and Was Denied and Deprived of Liberty and Property, Etc. Without Due Process and Equal Protection of Law, Constitutions, Etc..

## RELIEF DEMANDED BY PLAINTIFF PRO SE

1. Leave to proceed In Forma Pauperis
2. Appointment of counsel hereto
3. In court evidentiary hearing with the Plaintiff present

for same.

4. Subpoena's issued to the below persons:

Each Gov. Employee Etc Relating To Plaintiffs Cases

1. Name: Employee Etc, Address: Plaintiffs Cases

and Plaintiff.

Each Person who Has Ever Known Plaintiff and

2. Name: Person who Has Ever Known Plaintiff and

Each Thing Etc who Has Ever Known Plaintiff.

*Each Record Etc Relating To Plaintiff.*

3. Name: \_\_\_\_\_, Address: \_\_\_\_\_

5. Grant and Order to Plaintiff, the maximum relief and money, authorized by law, Constitution, relating hereto *and all relief Prior Demanded By Plaintiff*

Signed *Joseph Marion Headoff Jr.* Reg. No. *17549 056*

Address: *N-5 Cell 524 J.M.C. Devens,*  
*42 Patton Road - Post office Box 879 Ayer*  
*Massachusetts - 01432*

#### CERTIFICATION OF SERVICE

I, *Joseph Marion Headoff Jr.* Reg. No. *17549056* state that on the *19* day of *7*, 200*5*, I sent to the Court:

*U.S.D.Ct.* located at *Boston*  
*Massachusetts - 02210*

the original and (*0*) copies of the foregoing complaint and

I also sent a copy of said complaint to the Attorney General of

the United States, at: *Not Sent - Due To Indigence and Lack of Copies, No Copies Was Made Due To Indigence.*  
*and to, The Court will have to make and serve the copies and one to plaintiff.*

Signed *Joseph Marion Headoff Jr.* Reg. No. *17549 056*

on this the *19* day of *7*, 200*5*.

*The court must review Plaintiff's prison and court records for the past 31 years of illegal in custody, to determine the indigence of Plaintiff and the trust funds balance for the past 12 months. Or Order J.M.C. Devens or Defendants to provide the court with said information.*  
*Joseph Marion Headoff Junior 17549056 (7-19-05)*

UNITED STATES DISTRICT COURT  
FOR THE Ma DISTRICT OF Ma  
Boston DIVISION

Joseph Marion Head Jr.  
Reg. No. 17549056

Plaintiff,

vs

United States of America,

U.S. A. and N.C.,

and each State,

Employee and inmate  
liable herein  
Defendants.

Civil Case # \_\_\_\_\_

Reference to Criminal Case

Number(s)

Case # 4-98-CR-102 (Fed.)

Case # 74CR2403 (State N.C.)

Case # 74CR2403A (State N.C.)

Case # Rest of Cases c/n State N.C.)

COMPLAINT

In Forma Pauperis

This is a Civil Rights Act law suit for damages (money) for unlawful conviction and unlawful sentence and for false imprisonment, kidnapping and/or conspiracy to convict Plaintiff.

and etc. as the claims, etc herein  
relate and apply thereto.

JURISDICTION

The Courts have legal jurisdiction herein pursuant to the provisions of law and Constitution of the United States of America and States thereof as applies and as may be legally applied herein. To Enclude 18, 28, 42, U.S.C.

As Applies And As May Be Applied  
Hereto And Relating Hereto, and  
Misprisons of A Felany, Law.  
and The United States Constitution,  
As Applies And As May Be  
Legally Applied Hereto.



THE PARTIESPLAINTIFF

Plaintiff herein is, Joseph Marion Head Junior,  
 Reg. No. 17549056 who is presently housed in the F.M.C. Men's  
 located at 42 Patton Road, Post office Box 879  
Ayer Massachusetts, Zip Code 01432,  
 and is in the custody of the David L. Winn, Warden,  
 thereof, who is David L. Winn, also in the custody of  
U.S. Attorney General, U.S. Dept. Justice, Washington D.C.

DEFENDANTS

Defendants herein are as listed below.

1. United States of America, Title U.S. A,  
 at the Office of the United States Attorney General, United  
 States Department of Justice, Washington, D.C. 20543.
2. State of N.C., Title State of N.C.,  
 Address Ray Cooper, N.C. Att. Gen., N.C. Dept.  
of Justice, Raleigh, North Carolina 27602.
3. Each Government Employee of Aforesaid  
 Address Liable Herein
4. Each inmate of U.S.A., And N.C.,  
 Address Liable Herein.

BACKGROUND

Background of Plaintiff and Plaintiff's criminal record, cases, convictions, etc., are or is as related within the records of the Governments of the United States of America and the State of North Carolina, Boston, Ma, Beckely W. Va., Mich.,

Record relating to Plaintiff herein: as to said background the court is herefore referred to said records as if same was related herein in proper order and form of same and all therein same, each of same and etc., relating to the processes etc., relating to each of same.

The Fourth Circuit Court of Appeals in another case adjudged that an indigent laymen at law, proceeding pro se is not required to prove his claims and grounds in advance of a full incourt evidentry hearing.

Plaintiff does not waive nor abandns his rights to a full incourt evidentry hearing with Plaintiff present for same to prove the instant complaint.

Plaintiff's rights to counsel is related in 18 U.S.C. § 3006(a) and sub seq. thereof and in the United States Constitution Amendments 5, 6 and 14 as applies herein and hereto the instant complaint.

Plaintiff herein is a layman at law, non versed in law and has had no professional training in law and is forced to proceed pro se without assistance of persons professionally trained in law, until the courts appoint counsel hereto. Therefore should be afforded a liberal construction as to all matters etc., related and asserted and demanded herein and relating hereto.

"That it is well settled that pro se litigants, generally, are entitled to a liberal construction of their pleadings, etc., which should be read to raise the strongest arguments they suggest."

See: Green v. United States, 260 F 3d 78, 83 (2nd Cir. 2001)  
and Haines v. Kerner, 404 U.S. 519, 520 - 21, (1972 per curiam).

See each and all of plaintiff's  
Prior litigation, State and Federal  
Prison and Court, Etc Relating  
thereto, and see all related  
and asserted and asked for  
and demanded therein and  
each opinion, judgment, order  
relating thereto and how same  
would have been different  
and granted and ordered, if  
same had been presented by an  
attorney at law who was  
competent and effective to represent  
same, each of same at each process  
etc of same.

GROUNDS

Grounds Asserted Herein  
are Listed, Stated, Below

The conviction obtained in criminal Case No.: Each of Plaintiff's Cases is unlawful, in that it was obtained in violation of the law or Constitution of the United States of America or of the State of North Carolina, for the reasons stated herein below and in the ways stated herein below. and Prior from 1965 Forward

(1) As prior related and asserted relating to this case, Each of Plaintiff's by the Defense Attorney of record and/or by Plaintiff, pro se, as related of court records or by others as authorized by law, constitution, etc., to do so. As to same and all relating thereto see, all known prison and court records relating all known prison and court records relating to the aforesaid and to Plaintiff herein.

(2) The United States Supreme Court's Opinions, Judgements and Orders, entered in the Case of As Applies To Plaintiff's Cases as applies and as may be applied to Plaintiff's criminal Case No. Each Plaintiff's Cases retroactively or otherwise as applies and may be applied to all criminal cases etc., by law and constitution.

(3) The reasons of each juror or Judge, for finding the Plaintiff guilty was not legally proven to be legally valid and final, prior to sentencing nor on appeals, etc., processes of the case nor in the Federal Courts, Title 21 U.S.C. § 851, et seq., nor prior to federal sentencing of Plaintiff nor on Plaintiff's federal appeals, etc., processes relating to



Plaintiff. Therefore, enhancement and upward departures were illegal.

(4) The convictions were obtained based upon false or perjured testimony or testimony not proven to be not false or perjured and the witnesses and victims were not advised of their rights nor the rights of the Plaintiff prior to making statements and/or testifying against Plaintiff and Plaintiff was not afforded his right to reply to or make corrections to inaccurate or offensive statements or testimony or reasons for the jury verdict of guilty.

(5) The jury verdicts of guilty are inaccurate, offensive and contrary to evidence, testimony, statements or law and are violative of Plaintiff's rights or privileges.

(6) Hon. Att. failed to legally prove that Head had no legal reasons that would justify him not knowing the law 18 U.S.C. 876 at the time Head wrote and mailed the letters. See Head's trial testimony and all questions asked to him.

(7) Hon. Att. failed to legally prove that Head had a criminal intent to violate 18 U.S.C. 876 at the time he wrote and mailed the letters and did not prove that Head knowingly violated 18 U.S.C. 876 when he wrote and mailed the letters.

(8) Violative of Head's rights, the reasons of each juror for each of their verdicts of guilty was not stated nor wrote in the court records therefore it was not proven that same was legal and valid, etc. i.e.

The sentences imposed in criminal Case No. Each of Plaintiff's Cases was illegally imposed, or is illegal, or exceeds the maximum authorized by law or by Constitution or by Plaintiff's rights, or is otherwise invalid, etc. according to law. The aforesaid as applies to the below stated and listed herein.

(1) The sentences were not based upon a legal and valid conviction and the conviction was not based upon a legal and valid indictment. The aforesaid as is evident and legal proof of same by the contents of the Court records and the records of the Grand Jury, relation to the criminal Case No. Each of Plaintiff's Cases and all asserted and related herein, hereto.

(2) The sentences are illegal also because they were enhanced and/or upwardly departed, based upon prior convictions which were unlawful or not legally proven to be valid, legal, final, prior to using same to the prejudice of the Plaintiff as to federal sentencing, etc. See and apply Title 21 U.S.C. § 851 and all laws, cases, relating to enhancements, etc.

(3) The United States Supreme Court's Opinions, Judgments, Orders in the cases of Booker, Fanfan, Blakely, Apprendi and Strickland v. Washington, (1984), as applies and/or may be applied to Plaintiff's criminal Case No. Each of Plaintiff's Cases.

(4) Plaintiff was not appointed counsel for the purpose of representing his prior charges and prior convictions in an effort to obtain a lesser federal sentence for Plaintiff or to prevent enhancements and/or upward departure, in Plaintiff's criminal Case No. 4-98-CR-102 and defense counsel of record and appeals, did not represent Plaintiff prior convictions and

charges for the aforesaid purposes, etc. See 18 U.S.C. § 3006A et seq. thereof. See also: United States Constitution Amendments 1, 4, 5, 6, 8, 9, 14 and Title 21 U.S.C. § 851 et seq. thereof, Strickland v. Washington, (1984). *See also records of appeal of Heads.*

(5) Violative of Plaintiffs Rights the Gov. Att. did not file a timely information as required or entitled by Title 21 U.S.C. 851 and sub. sec. thereof, see 851(a-1) and did not file additional indictments, 851(e).

(6) Violative of Plaintiffs Rights Each and all of His Claims and grounds etc. relating to his state and federal cases was not time presented to the District Court nor on appeal, by his defense counsel nor Gov. Attorney.

(7) Violative of Plaintiffs Rights and The U.S. Const. The State of North Carolina Did not order nor cause to be ordered relief as to the State cases and as applied to the federal cases of Plaintiff.

(8) Violative of Plaintiff Rights all of his claims, grounds, etc relating to his State and Federal Court was not presented to the Federal Courts in Boston, Ma. Prior to nor after Commitment 18 U.S.C. 4245 d.

∞ Gov. Employees could have and should have presented the aforesaid timely and did not and has not and did not allow Plaintiff to appeal etc as related and asserted prior hereto.



COMPETENCE OF PLAINTIFF

The Court must conduct a competence hearing to determine the competence of Plaintiff. To legally represent himself relating hereto and to determine whether or not counsel, etc. must be appointed hereto and why, and as to who or what has to pay for same, why.

See each and all of Plaintiffs Prison and Court Records and all related, asserted, etc therein and relating thereto.

Convictions, Trials, Sentences, Etc of or by incompetent persons, places, things, Violates Due Process and Other Rights, Each Aforesaid must be legally proven to be competent at each stage, etc of the processes and relating thereto and each must be fully advised of their rights and other rights and Plaintiffs Rights, Prior to making statements, testifying, etc to the prejudice of Plaintiff.



RELIEF

Plaintiff, Pro Se, demands the Court to grant and Order to him the relief stated and listed herein below.

(1) Leave to proceed In Forma Pauperis and if denied, leave to pay costs of filing, etc. in timely payments as Ordered by the Court and as allowed by the Court to include as to appointment of counsel, etc., costs relating to this complaint and processes relating thereto, to include for cost of copies of records, etc., books and etc., legal materials and postage and costs of copying records etc. relating hereto.

(2) Order all processes, etc., relating to this complaint, to be fully filmed and recorded and sound thereto and fully transcribed and transcripts of same be ordered made and give to Plaintiff as well a mimeograph copy of same and hereinafter or all which the Court will grant and Order and reasons stated for denying the rest.

(3) Grant and Order to Plaintiff herein all prior relief ever asked or demanded by him relating to his criminal and civil case and tort claims, or the maximum amount of same authorized by law.

(4) Grant and Order Plaintiffs Children and their mothers and their families returned to plaintiff and all males who ever had sex with them be put to death and put in lime pits or assit vates, and Killed Publicly on Television, world wide.

SUBPOEINA'S

Plaintiff's demands that subpoena's issue for the below listed and named or indicated, to be present and testify at the evidentiary hearings and jury trials relating hereto as ordered hereto.

(1) Each Gov. Employee And Inmate  
Relating To Plaintiffs Court Cases, Etc..

(2) Each And All Plaintiffs Prior Attorneys  
At Law, State and Federal.

(3) The President of The Bar Association  
of North Carolina and Boston, Ma..

(4) The State and Federal Judicial  
Standard Commissions

(5) The President of The U.S.A., Present  
and Prior as still living and their spouses

(6) Television News Teams To Show  
the Hearing and Trial etc World Wide

(7) Each and all Prior Phy. Doctors, Etc  
Relating To Plaintiff in The last 32 years

(8) Each and all of Plaintiffs Family  
children and their mothers and all  
Prior Girl Friends of Plaintiff from  
age 5 years old, up.

(9) Each and all Female Governmental  
Employee That Knows Plaintiff Or Knew  
him in The past 33 years.

(4) A Jury Trial.

(5) The maximum relief and sum of money which can legally be ordered relation hereto, to Plaintiff hereof, see all prior records relating to Plaintiff as to the relief asked for or demanded and whether same was denied or granted and why, etc. Plaintiff has been in custody over 31 years, illegally, etc., as is evident and proof of same within the prison and Court records and laws, etc. *for the past 32 years forward while illegally in custody.*

Signed,

This 19 day of 7, 2005,

*Joseph Marion Heas Junior*

*The Court is heretofore referred to each and all prior and present prison and court records relating to the Plaintiff hereof, to determine therefrom the indigence of Plaintiff prior and present, etc. relating thereto. Order The Defendants and J. M. C. Devens To Provide The Court with the aforesaid records and information.*

*Joseph Marion Heas Junior 17549056*  
*7-19-05*

CERTIFICATION OF SERVICE

I, Joseph Marion Head Jr., reg. no. 17549 056,  
state that on the 20 day of 7, 2005, I sent to the  
Court aforesaid in the complaint, the original and 0 copies of  
same said complaint and I also sent a copy of said complaint to  
the Defendants named in the complaint on this, the \_\_\_\_ day of  
\_\_\_\_, 200\_\_, by placing all the aforesaid in the inmate mail  
box at Did not send, due to indigence, Ct. must do so.  
\_ for inmate legal out going mail.

Signed,

this 20 day of 7, 2005,

Joseph Marion Head Jr.

Plaintiff due to his indigence did not  
make and send the required copies  
of the foregoing complaint, not even  
a copy for himself. The Court will  
therefore have to make and serve  
said copies and send Plaintiff a  
filed copy of same.

Signed, Joseph Marion Head Jr.  
Reg. No. 17549 056

7-20-05